

## THIRTY-FOURTH DAY.

(Tuesday, March 24, 1931.)

The House met at 9:30 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Minor.

The roll was called, and the following members were present:

Mr. Speaker.	Harrison
Adams of Harris.	of El Paso.
Adams of Jasper.	Harrison
Adamson.	of Waller.
Adkins.	Hatchitt.
Akin.	Herzik.
Albritton.	Hill.
Alsup.	Hines.
Anderson.	Holder.
Baker.	Holland.
Barron.	Holloway.
Beck.	Hoskins.
Bedford.	Howsley.
Bond.	Hubbard.
Bounds.	Hughes.
Boyd.	Jackson.
Bradley.	Johnson
Brice.	of Dallam.
Brooks.	Johnson
Bryant.	of Dimmit.
Burns	Johnson of Morris.
of McCulloch.	Jones of Atascosa.
Burns of Walker.	Justiss.
Carpenter.	Kayton.
Caven.	Keller.
Claunch.	Kennedy.
Coltrin.	Laird.
Coombes.	Lasseter.
Cox of Limestone.	Lee.
Cunningham.	Lemens.
Dale.	Leonard.
Daniel.	Lilley.
Davis.	Lockhart.
DeWolfe.	Long.
Donnell.	McCombs.
Dowell.	McDougald.
Dunlap.	McGill.
Duvall.	McGregor.
Elliott.	Magee.
Engelhard.	Mathis.
Farmer.	Mehl.
Farrar.	Metcalfe.
Ferguson.	Moffett.
Finn.	Moore.
Fisher.	Munson.
Forbes.	Murphy.
Ford.	Nicholson.
Fuchs.	Olsen.
Gilbert.	O'Quinn.
Giles.	Patterson.
Goodman.	Petsch.
Graves.	Pope.
Greathouse.	Ratliff.
Grogan.	Ray.
Hanson.	Reader.
Hardy.	Richardson.
Harman.	Rogers.

Rountree.	Terrell
Sanders.	of Cherokee.
Satterwhite.	Towery.
Savage.	Turner.
Scott.	Van Zandt.
Shelton.	Vaughan.
Sherrill.	Veatch.
Smith of Bastrop.	Wagstaff.
Smith of Wood.	Walker.
Sparkman.	Warwick.
Stephens.	Weinert.
Stevenson.	West of Cameron.
Steward.	West of Coryell.
Strong.	Westbrook.
Sullivant.	Wiggs.
Tarwater.	Wyatt.
	Young.

## Absent.

Dodd.	Terrell
Martin.	of Val Verde.

## Absent—Excused.

Cox of Lamar.	Jones of Shelby.
Dwyer.	Morse.
Hefley.	Ramsey.

A quorum was announced present.

Prayer was offered by the Rev. John W. Holt, Chaplain.

## LEAVES OF ABSENCE GRANTED.

The following members were granted leaves of absence on account of important business:

Mr. Jones of Shelby, Mr. Ramsey and Mr. Hefley for today, on motion of Mr. Adams of Jasper.

Mr. Dwyer for today, on motion of Mr. Anderson.

Mr. Cox of Lamar was granted leave of absence for today and the balance of the week on account of illness, on motion of Mr. Coltrin.

Mr. Terrell of Val Verde was granted leave of absence for today, on account of illness, on motion of Mr. Reader.

## HOUSE JOINT RESOLUTION ON FIRST READING.

On motion of Mr. Veatch, by two-thirds vote, the following House joint resolution was introduced today, laid before the House, read first time and referred to the Committee on Constitutional Amendments:

By Mr. Veatch (by request):

H. J. R. No. 45, Proposing an amendment to the Constitution of the State of Texas providing for the ex-

emption of homesteads of both married and single persons from forced sale, and defining what shall constitute such homestead.

### HOUSE BILLS ON FIRST READING.

The following House bills, introduced today, by unanimous consent, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Satterwhite (by request):

H. B. No. 987, A bill to be entitled "An Act permitting J. J. Norris to bring suit against the State of Texas in the District Court of Travis county, Texas, for alleged damages resulting from his injuries while working as royalty gauger for the University of Texas; fixing the conditions under which suit may be maintained; providing for service, and declaring an emergency."

Referred to Committee on State Affairs.

By Mr. Satterwhite (by request):

H. B. No. 988, A bill to be entitled "An Act authorizing counties and incorporated cities and the Texas State Parks Board, separately, or in cooperation with each other, to acquire by gift or purchase land for public parks; authorizing the issuance of bonds and levy of taxes therefor; providing for control and operation of such parks, and declaring an emergency."

Referred to Committee on State Affairs.

### MOTIONS TO PRINT.

Mr. Holder moved that House bill No. 608, reported adversely with a minority favorable report, be printed.

Mr. Keller moved to table the motion.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

Yeas—78.

Adams of Harris.	Bounds.
Adams of Jasper.	Boyd.
Adamson.	Bradley.
Akin.	Brooks.
Albritton.	Bryant.
Alsup.	Carpenter.
Anderson.	Caven.
Baker.	Cunningham.
Bedford.	Dale.
Bond.	Daniel.

Duvall.	Lilley.
Elliott.	Lockhart.
Ferguson.	Long.
Finn.	McDougald.
Forbes.	McGill.
Ford.	Mathis.
Fuchs.	Mehl.
Greathouse.	Metcalfe.
Grogan.	Moffett.
Hardy.	Moore.
Harman.	Munson.
Harrison	O'Quinn.
of El Paso.	Patterson.
Harrison	Ratliff.
of Waller.	Ray.
Herzik.	Reader.
Hines.	Richardson.
Holland.	Satterwhite.
Holloway.	Savage.
Hoskins.	Smith of Wood.
Hubbard.	Sparkman.
Jackson.	Stephens.
Johnson	Stevenson.
of Dimmit.	Turner.
Johnson of Morris.	Vaughan.
Jones of Atascosa.	Weinert.
Justiss.	West of Coryell.
Kayton.	Westbrook.
Keller.	Wyatt.
Kennedy.	Young.
Lee.	

Nays—43.

Adkins.	Lemens.
Barron.	Magee.
Claunch.	Olsen.
Cox of Limestone.	Pope.
DeWolfe.	Rountree.
Donnell.	Sanders.
Dunlap.	Scott.
Engelhard.	Shelton.
Farmer.	Sherrill.
Farrar.	Smith of Bastrop.
Fisher.	Steward.
Gilbert.	Strong.
Giles.	Sullivant.
Goodman.	Tarwater.
Graves.	Terrell
Hanson.	of Cherokee.
Hatchitt.	Towery.
Hill.	Van Zandt.
Holder.	Veatch.
Hughes.	Wagstaff.
Johnson	Walker.
of Dallam.	Warwick.
Laird.	

Absent.

Beck.	Dowell.
Brice.	Howsley.
Burns	Lasseter.
of McCulloch.	Leonard.
Burns of Walker.	McCombs.
Coltrin.	McGregor.
Coombes.	Martin.
Davis.	Murphy.
Dodd.	Nicholson.

Petsch. West of Cameron.  
Rogers. Wiggs.  
Terrell of Val Verde.

## Absent—Excused.

Cox of Lamar. Jones of Shelby.  
Dwyer. Morse.  
Hefley. Ramsey.

Mr. Anderson moved that House bill No. 257, reported adversely with a minority favorable report, be printed.

Mr. McDougald moved to table the motion.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

## Yeas—81.

Adams of Harris.	Hubbard.
Adams of Jasper.	Hughes.
Adamson.	Jackson.
Akin.	Johnson
Alsup.	of Dallam.
Bedford.	Johnson of Morris.
Bond.	Jones of Atascosa.
Boyd.	Justiss.
Bradley.	Keller.
Brooks.	Lemens.
Carpenter.	Lilley.
Caven.	Lockhart.
Claunch.	Long.
Coombes.	McDougald.
Cox of Limestone.	McGill.
Cunningham.	McGregor.
Dale.	Magee.
Daniel.	Mathis.
DeWolfe.	Metcalfe.
Dowell.	Munson.
Elliott.	Murphy.
Engelhard.	O'Quinn.
Farrar.	Patterson.
Ferguson.	Ratliff.
Fisher.	Ray.
Ford.	Richardson.
Fuchs.	Rogers.
Gilbert.	Sanders.
Giles.	Savage.
Goodman.	Sherrill.
Graves.	Smith of Wood.
Grogan.	Sparkman.
Hanson.	Steward.
Hardy.	Strong.
Harman.	Sullivant.
Harrison	Turner.
of El Paso.	Van Zandt.
Hill.	Veatch.
Hines.	Wagstaff.
Holder.	West of Coryell.
Holland.	Young.
Hoskins.	

## Nays—33.

Adkins. Anderson.  
Albritton. Baker.

Bounds.	Mehl.
Bryant.	Olsen.
Burns of Walker.	Pope.
Donnell.	Reader.
Dunlap.	Scott.
Duvall.	Shelton.
Farmer.	Smith of Bastrop.
Forbes.	Stevenson.
Greathouse.	Tarwater.
Harrison	Terrell
of Waller.	of Cherokee.
Hatchitt.	Towery.
Kayton.	Walker.
Kennedy.	Warwick.
Laird.	Weinert.
Lee.	

## Present—Not Voting.

Herzik.	Moffett.
Lasseter.	Stephens.

## Absent.

Barron.	McCombs.
Beck.	Martin.
Brice.	Moore.
Burns	Nicholson.
of McCulloch.	Petsch.
Coltrin.	Rountree.
Davis.	Satterwhite.
Dodd.	Terrell
Finn.	of Val Verde.
Holloway.	Vaughan.
Howsley.	West of Cameron.
Johnson	Westbrook.
of Dimmit.	Wiggs.
Leonard.	Wyatt.

## Absent—Excused.

Cox of Lamar.	Jones of Shelby.
Dwyer.	Morse.
Hefley.	Ramsey.

## HOUSE BILL NO. 109 WITH SENATE AMENDMENTS.

Mr. Ray called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 109, A bill to be entitled "An Act making it unlawful to trap, snare, shoot at, catch or kill any wild fox in Bell county; providing a penalty, and declaring an emergency."

The Speaker laid the bill before the House and the Senate amendments were read.

On motion of Mr. Ray, the House concurred in the Senate amendments.

## RECALLING HOUSE BILL NO. 537 FROM GOVERNOR.

Mr. Lemens offered the following resolution:

H. C. R. No. 44, Recalling House bill No. 537 from Governor.

Whereas, House bill No. 537 is now in the Governor's office; and

Whereas, The author of the bill desires to have the bill returned to the House for corrections; now, therefore, be it

Resolved by the House of Representatives, the Senate concurring, That House bill No. 537 be recalled from the Governor's office for further consideration in the House.

The resolution was read second time and was adopted.

TO COMMEND COL. WILLIAM E. EASTERWOOD, JR.

Mr. Claunch offered the following resolution:

Whereas, Col. William E. Easterwood, Jr., of Dallas, Texas, has, by virtue of great financial sacrifice and untiring energy, brought about the first East to West non-stop trans-Atlantic flight by Dieudonne Coste and Maurice Bellonte, and has brought the name of Texas before the entire world as a progressive State; and

Whereas, The Hon. George "Jimmie" Smith of Snyder, Texas, was very active in the reception of said fliers, and in the reflection of credit on this State by said fliers; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That this body commends and congratulates Col. William E. Easterwood, Jr., and the Hon. George "Jimmie" Smith upon this unselfish patriotic service, and that the Journal of the House reflect that it was on September 4, 1930, that these outstanding fliers landed on Texas soil; be it further

Resolved, That a page in the House Journal be set aside in their honor, that a copy of this resolution be spread thereon, and that a copy thereof be transmitted by the Chief Clerk of the House to these distinguished gentlemen.

Signed—Claunch, McCombs.

The resolution was read second time.

On motion of Mr. Kayton, the resolution was tabled.

RECALLING HOUSE BILL NO. 656  
FOR FURTHER CONSID-  
ERATION.

The Speaker laid before the House, for consideration at this time, the following resolution:

S. C. R. No. 26, Recalling House bill No. 656 for further consideration.

Be it resolved by the Senate, the House of Representatives concurring, That House bill No. 656 be returned to the Senate for further consideration.

The resolution was read second time and was adopted.

HOUSE BILL NO. 547 ON SECOND  
READING.

The Speaker laid before the House, as a special order for this hour, on its second reading and passage to engrossment,

H. B. No. 547, A bill to be entitled "An Act imposing a privilege tax on persons producing natural gas as defined in this act, including persons importing gasoline who sell the same in intrastate commerce within this State; providing a graduated scale and basis for said tax, and prescribing manner and time of payment thereof; providing for deduction for evaporation and loss; requiring certain records to be kept, etc., and declaring an emergency."

The bill was read second time.

Mr. Sanders offered the following amendment to the bill:

Amend House bill No. 547, line 4 of the caption, after the word "importing," by striking out the word "gasoline," and substituting in lieu thereof the word "gas."

The amendment was adopted.

Mr. Sanders offered the following (committee) amendment to the bill:

Amend House bill No. 547 by striking out all of Section 3 after the words "scale and basis" and inserting in lieu thereof the following: "Three-eighths of one cent (.003-8 cent) per thousand cubic feet or fraction thereof."

Mr. Young offered the following substitute for the (committee) amendment:

Amend House bill No. 547 by striking out Section 3, on page 3, and substituting in lieu thereof the following:

"Section 3. A tax shall be paid quarterly by each such producer on the amount of gas produced and saved in intrastate commerce, and on gas imported into the State, upon the first sale thereof in intrastate commerce upon the following basis: A tax equivalent to 2 per cent of the

market value of the total amount of gas produced and saved, or, sold, if imported into this State, at the average market value thereof, as and when produced."

YOUNG,  
SATTERWHITE,  
JOHNSON of Dallam,  
WARWICK,  
ALSUP,  
STEVENSON,  
HILL,  
HARRISON of El Paso.

(Pending consideration of the amendment, Mr. McGill occupied the chair temporarily.)

(Speaker in the chair.)

Mr. McCombs moved the previous question on the pending amendments, and the motion was duly seconded.

Question recurring on the motion for the main question, it was lost.

#### BILL AND RESOLUTION SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bill and resolution:

H. C. R. No. 42, Inviting Hon. Charles G. Wood to address the Legislature.

H. B. No. 725, "An Act authorizing any navigation district organized or hereafter to be organized under any of the provisions of the Constitution or laws of this State, created for the development of deep water navigation, having within its limits a city now operating under special charter originally granted by the Legislature and having between 27,000 and 28,000 inhabitants, as shown by the last Federal census, to borrow money and to mortgage and encumber any part or all of its properties and facilities and the franchise and revenues and income from the operation thereof and everything pertaining thereto, etc., and declaring an emergency."

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 24, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate

has concurred in House amendments to Senate bill No. 367 by a viva voce vote.

Respectfully,  
JNO. B. DuPRIEST,  
Assistant Secretary of the Senate.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 24, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has appointed on the part of the Senate as a free conference committee on House bill No. 159, the following: Woodward, Stevenson, Martin, Woodul, Hornsby.

Respectfully,  
JNO. B. DuPRIEST,  
Assistant Secretary of the Senate.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 24, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has reconsidered the vote by which Senate concurred in House amendment to Senate bill No. 367.

Read and adopted House concurrent resolution No. 44, requesting that House bill No. 537 be recalled from the Governor's office for further consideration in the House.

Respectfully,  
JNO. B. DuPRIEST,  
Assistant Secretary of the Senate.

#### MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 24, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 407, A bill to be entitled "An Act to amend Section 9, Chapter 14, Acts Forty-first Legislature, Third Called Session, so as to provide for aid to consolidated districts formed subsequent to January 1, 1917, and prior to September 1, 1929, under certain conditions and regulations, and declaring an emergency."

S. B. No. 334, A bill to be entitled "An Act to amend Article 7642 of the Revised Civil Statutes of 1925, which

article relates to the qualifications of tax assessor and collector for water improvement districts, and declaring an emergency."

Respectfully,  
JNO. B. DuPRIEST,  
Assistant Secretary of the Senate.

### RECESS.

On motion of Mr. Hardy, the House, at 12 o'clock m., took recess to 2 o'clock p. m. today.

### AFTERNOON SESSION.

The House met at 2 o'clock p. m., and was called to order by the Speaker.

### HOUSE BILL NO. 547 ON PASSAGE TO ENGROSSMENT.

The House resumed consideration of pending business, same being House bill No. 547, relative to placing tax on natural gas, with amendment by Mr. Sanders, and substitute by Mr. Young, for the amendment pending.

Question first recurring on the amendment by Mr. Young, yeas and nays were demanded.

The amendment was adopted by the following vote:

#### Yeas—90.

Adams of Harris.	Fuchs.
Adamson.	Gilbert.
Adkins.	Giles.
Akin.	Grogan.
Albritton.	Hanson.
Alsup.	Hardy.
Baker.	Harman.
Bedford.	Harrison
Bond.	of El Paso.
Boyd.	Hatchitt.
Bradley.	Herzik.
Brice.	Hill.
Bryant.	Holland.
Burns of Walker.	Holloway.
Carpenter.	Hoskins.
Claunch.	Hubbard.
Coltrin.	Hughes.
Coombes.	Jackson.
Cox of Limestone.	Johnson
Cunningham.	of Dallam.
Dale.	Justiss.
Daniel.	Kayton.
DeWolfe.	Keller.
Donnell.	Lee.
Dunlap.	Leonard.
Duvall.	Lilley.
Farrar.	McCombs.
Finn.	McDougald.
Forbes.	McGill.

Martin.	Sparkman.
Mathis.	Steward.
Mehl.	Sullivant.
Metcalf.	Tarwater.
Moffett.	Towery.
Moore.	Turner.
Nicholson.	Van Zandt.
Olsen.	Vaughan.
Petsch.	Veatch.
Pope.	Wagstaff.
Ratliff.	Walker.
Ray.	Warwick.
Rogers.	West of Cameron.
Satterwhite.	Wiggs.
Savage.	Wyatt.
Sherrill.	Young.
Smith of Bastrop.	

#### Nays—27.

Adams of Jasper.	McGregor.
Bounds.	Magee.
Elliott.	Munson.
Engelhard.	Murphy.
Farmer.	Reader.
Fisher.	Richardson.
Ford.	Rountree.
Goodman.	Sanders.
Graves.	Shelton.
Greathouse.	Smith of Wood.
Holder.	Strong.
Johnson of Morris.	Terrell of Cherokee.
Kennedy.	West of Coryell.
Lockhart.	

#### Absent.

Anderson.	Johnson
Barron.	of Dimmit.
Beck.	Jones of Atascosa.
Brooks.	Laird.
Burns	Lasseter.
of McCulloch.	Lemens.
Caven.	Long.
Davis.	O'Quinn.
Dodd.	Patterson.
Dowell.	Scott.
Ferguson.	Stephens.
Harrison	Stevenson.
of Waller.	Weinert.
Hines.	Westbrook.
Howsley.	

#### Absent—Excused.

Cox of Lamar.	Morse.
Dwyer.	Ramsey.
Hefley.	Terrell
Jones of Shelby.	of Val Verde.

Mr. Vaughan offered the following amendment to the amendment as substituted:

Amend the amendment to House bill No. 547, by changing the 2% tax to 4%.

Question recurring on the amendment by Mr. Vaughan, yeas and nays were demanded.

The amendment was lost by the following vote:

## Yeas—49.

Akin.	McCombs.
Barron.	McGill.
Bounds.	Magee.
Burns of Walker.	Mehl.
Claunch.	Murphy.
Daniel.	Petsch.
Elliott.	Ray.
Engelhard.	Rogers.
Farmer.	Rountree.
Farrar.	Sanders.
Fisher.	Scott.
Forbes.	Shelton.
Ford.	Smith of Bastrop.
Fuchs.	Smith of Wood.
Goodman.	Sparkman.
Graves.	Steward.
Greathouse.	Strong.
Grogan.	Sullivant.
Hines.	Terrell
Holder.	of Cherokee.
Hughes.	Van Zandt.
Kennedy.	Vaughan.
Laird.	West of Cameron.
Lilley.	West of Coryell.
Lockhart.	Westbrook.

## Nays—74.

Adams of Harris.	Hatchitt.
Adamson.	Hill.
Adkins.	Holland.
Albritton.	Holloway.
Alsup.	Hoskins.
Anderson.	Jackson.
Baker.	Johnson
Beck.	of Dallam.
Bond.	Johnson of Morris.
Boyd.	Justiss.
Bradley.	Kayton.
Brice.	Keller.
Bryant.	Lee.
Burns	Leonard.
of McCulloch.	Long.
Carpenter.	McDougald.
Caven.	Martin.
Coltrin.	Mathis.
Coombes.	Metcalf.
Cox of Limestone.	Moffett.
Cunningham.	Moore.
Dale.	Munson.
DeWolfe.	Nicholson.
Donnell.	Olsen.
Dowell.	O'Quinn.
Dunlap.	Patterson.
Duvall.	Pope.
Finn.	Ratliff.
Gilbert.	Reader.
Giles.	Richardson.
Hardy.	Satterwhite.
Harrison	Savage.
of El Paso.	Sherrill.
Harrison	Tarwater.
of Waller.	Towery.

Turner.	Warwick.
Veatch.	Wyatt.
Wagstaff.	Young.
Walker.	

## Present—Not Voting.

Hanson.

## Absent.

Adams of Jasper.	Johnson
Bedford.	of Dimmit.
Brooks.	Jones of Atascosa.
Davis.	Lasseter.
Dodd.	Lemens.
Ferguson.	McGregor.
Harman.	Stephens.
Herzik.	Stevenson.
Howsley.	Weinert.
Hubbard.	Wiggs.

## Absent—Excused.

Cox of Lamar.	Morse.
Dwyer.	Ramsey.
Hefley.	Terrell
Jones of Shelby.	of Val Verde.

Mr. Daniel offered the following amendments to the amendment as substituted:

## (1)

Amend substitute amendment by striking out the words "in intrastate commerce" and replace with the words "within this State."

## (2)

Amend substitute amendment to House bill No. 547 by adding after the words "produced and saved" in line 7 of said amendment and before the word "or" the following: "within this State."

The amendments were severally adopted.

Mr. Vaughan offered the following amendment to the amendment as substituted:

Amend the amendment to House bill No. 547 by changing the 2% tax to 3%.

Mr. Satterwhite moved to table the amendment.

Yeas and nays were demanded and the motion to table was lost by the following vote:

## Yeas—53.

Adams of Harris.	Baker.
Adamson.	Beck.
Adkins.	Bradley.
Albritton.	Burns
Alsup.	of McCulloch.

Carpenter.	Keller.
Caven.	Lee.
Coombes.	Leonard.
Cunningham.	McDougald.
Davis.	Martin.
Dowell.	Mathis.
Dunlap.	Metcalfe.
Duvall.	Moore.
Finn.	Munson.
Gilbert.	Nicholson.
Giles.	O'Quinn.
Goodman.	Pope.
Hardy.	Richardson.
Harrison	Satterwhite.
of El Paso.	Savage.
Harrison	Sherrill.
of Waller.	Tarwater.
Herzik.	Veatch.
Hill.	Wagstaff.
Holland.	Walker.
Hoskins.	Warwick.
Johnson	Wyatt.
of Dallam.	Young.
Justiss.	

## Nays—72.

Adams of Jasper.	Kennedy.
Akin.	Laird.
Anderson.	Lilley.
Barron.	Lockhart.
Bedford.	McCombs.
Bounds.	McGill.
Boyd.	Magee.
Brice.	Mehl.
Bryant.	Moffett.
Burns of Walker.	Murphy.
Claunch.	Olsen.
Coltrin.	Petsch.
Cox of Limestone.	Ratliff.
Dale.	Ray.
Daniel.	Reader.
DeWolfe.	Rogers.
Donnell.	Rountree.
Elliott.	Sanders.
Engelhard.	Scott.
Farmer.	Shelton.
Fisher.	Smith of Bastrop.
Forbes.	Smith of Wood.
Ford.	Sparkman.
Fuchs.	Stephens.
Graves.	Steward.
Greathouse.	Strong.
Grogan.	Sullivant.
Hanson.	Terrell
Harman.	of Cherokee.
Hatchitt.	Towey.
Hines.	Turner.
Holder.	Van Zandt.
Holloway.	Vaughan.
Hubbard.	West of Cameron.
Hughes.	West of Coryell.
Jackson.	Westbrook.
Johnson of Morris.	Wiggs.

## Absent.

Bond.	Dodd.
Brooks.	Farrar.

Ferguson.	Lemens.
Howesley.	Long.
Johnson	McGregor.
of Dimmit.	Patterson.
Jones of Atascosa.	Stevenson.
Kayton.	Weinert.
Lasseter.	

## Absent—Excused.

Cox of Lamar.	Morse.
Dwyer.	Ramsey.
Hefley.	Terrell
Jones of Shelby.	of Val Verde.

Question then recurring on the amendment by Mr. Vaughan, yeas and nays were demanded.

The amendment was lost by the following vote:

## Yeas—64.

Adams of Jasper.	Laird.
Akin.	Lilley.
Barron.	Lockhart.
Bedford.	McCombs.
Bounds.	McGill.
Boyd.	McGregor.
Brice.	Magee.
Burns of Walker.	Mehl.
Claunch.	Murphy.
Cox of Limestone.	Petsch.
Daniel.	Ray.
DeWolfe.	Reader.
Elliott.	Richardson.
Engelhard.	Rogers.
Farmer.	Rountree.
Farrar.	Sanders.
Fisher.	Scott.
Forbes.	Shelton.
Ford.	Smith of Bastrop.
Fuchs.	Smith of Wood.
Goodman.	Sparkman.
Graves.	Stephens.
Greathouse.	Steward.
Grogan.	Strong.
Harman.	Sullivant.
Hines.	Terrell
Holder.	of Cherokee.
Hubbard.	Van Zandt.
Hughes.	Vaughan.
Jackson.	West of Cameron.
Johnson of Morris.	West of Coryell.
Justiss.	Wiggs.
Kennedy.	

## Nays—64.

Adams of Harris.	Burns
Adamson.	of McCulloch.
Adkins.	Caven.
Albritton.	Coltrin.
Alsup.	Coombes.
Anderson.	Cunningham.
Baker.	Dale.
Beck.	Davis.
Bradley.	Donnell.
Bryant.	Dowell.



Dunlap.	Martin.
Duvall.	Mathis.
Finn.	Metcalf.
Gilbert.	Moffett.
Giles.	Moore.
Hanson.	Munson.
Hardy.	Nicholson.
Harrison	Olsen.
of El Paso.	O'Quinn.
Harrison	Patterson.
of Waller.	Pope.
Hatchitt.	Ratliff.
Herzik.	Satterwhite.
Hill.	Savage.
Holland.	Sherrill.
Holloway.	Stevenson.
Hoskins.	Tarwater.
Johnson	Towery.
of Dallam.	Veatch.
Jones of Atascosa.	Wagstaff.
Keller.	Walker.
Lee.	Warwick.
Leonard.	Wyatt.
McDougald.	Young.

## Absent.

Bond.	Kayton.
Brooks.	Lasseter.
Carpenter.	Lemens.
Dodd.	Long.
Ferguson.	Turner.
Howsley.	Weinert.
Johnson	Westbrook.
of Dimmit.	

## Absent—Excused.

Cox of Lamar.	Morse.
Dwyer.	Ramsey.
Hefley.	Terrell
Jones of Shelby.	of Val Verde.

The amendment as substituted was then adopted.

Mr. Pope offered the following amendment to the bill:

Amend House bill No. 547, by striking out all of line 24 after the word "repealed" and by striking out all of lines 25 to 36, both inclusive, page 4.

The amendment was adopted.

Mr. Beck offered the following amendment to the bill:

Amend House bill No. 547, by striking out the word "not" in line 21, page 2.

The amendment was adopted.

Mr. Farmer offered the following amendment to the bill:

Amend House bill No. 547, by inserting after the word "well" in line 36, on page 1, these words: "in the State," and insert after the first "and" in line 37, page 1, the words, "also all natural gas."

The amendment was adopted.

Mr. Keller offered the following amendment to the bill:

Amend House bill No. 547, by adding at the end of Section 3, the following: "Provided, that the State Automatic Tax Board shall take into consideration the amount of money to be collected under the provisions of this act, and shall reduce the State ad valorem taxes accordingly."

STEVENSON,  
KELLER.

Mr. Vaughan raised a point of order on further consideration of the amendment, on the ground that the amendment is not germane to the bill.

The Speaker overruled the point of order.

Mr. Adams of Jasper moved to table the amendment by Mr. Keller.

Yeas and nays were demanded, and the motion to table prevailed by the following vote:

## Yeas—83.

Adams of Harris.	Holloway.
Adams of Jasper.	Hoskins.
Adamson.	Hubbard.
Adkins.	Hughes.
Alsup.	Jackson.
Anderson.	Johnson
Baker.	of Dallam.
Beck.	Johnson
Bounds.	of Dimmit.
Brice.	Johnson of Morris.
Bryant.	Jones of Atascosa.
Burns	Justiss.
of McCulloch.	Laird.
Carpenter.	Leonard.
Caven.	Lilley.
Claunch.	Lockhart.
Coltrin.	McCombs.
Cox of Limestone.	McGill.
Dale.	McGregor.
Daniel.	Magee.
Davis.	Mathis.
Donnell.	Metcalf.
Dowell.	Moore.
Dunlap.	Murphy.
Fisher.	Petsch.
Forbes.	Ratliff.
Ford.	Ray.
Fuchs.	Reader.
Giles.	Richardson.
Graves.	Rogers.
Greathouse.	Rountree.
Grogan.	Sanders.
Hanson.	Shelton.
Harman.	Smith of Bastrop.
Harrison	Smith of Wood.
of El Paso.	Steward.
Harrison	Strong.
of Waller.	Sullivant.
Holder.	Tarwater.

Terrell	Wagstaff.
of Cherokee.	Warwick.
Towery.	West of Cameron.
Turner.	West of Coryell.
Van Zandt.	Westbrook.
Vaughan.	

Nays—44.

Akin.	Holland.
Albritton.	Keller.
Barron.	Kennedy.
Bedford.	Lee.
Bond.	McDougald.
Boyd.	Martin.
Coombes.	Mehl.
Cunningham.	Moffett.
DeWolfe.	Munson.
Duvall.	Nicholson.
Elliott.	O'Quinn.
Engelhard.	Pope.
Farmer.	Savage.
Farrar.	Scott.
Ferguson.	Sherrill.
Finn.	Sparkman.
Gilbert.	Stevenson.
Hardy.	Veatch.
Hatchitt.	Walker.
Herzik.	Wiggs.
Hill.	Wyatt.
Hines.	Young.

Present—Not Voting.

Burns of Walker. Stephens.

Absent.

Bradley.	Lemens.
Brooks.	Long.
Dodd.	Olsen.
Goodman.	Patterson.
Howsley.	Satterwhite.
Kayton.	Weinert.
Lasseter.	

Absent—Excused.

Cox of Lamar.	Morse.
Dwyer.	Ramsey.
Hefley.	Terrell
Jones of Shelby.	of Val Verde.

Mr. DeWolfe offered the following amendment to the bill:

Amend House bill No. 547, by striking out lines 22 and 23 and the word "repealed" in line 24 on page 4.

Amend caption to correspond to above amendment.

DeWOLFE,  
BOYD.

The amendment was adopted.

Mr. Young moved to reconsider the vote by which the amendment, as substituted, was adopted.

The motion to reconsider prevailed.

Mr. Vaughan offered the following amendment to the amendment as substituted:

Amend the amendment to House bill No. 547 by changing the 2 per cent tax to 2½ per cent.

Question recurring on the amendment, yeas and nays were demanded.

The amendment was adopted by the following vote:

Yeas—66.

Adams of Jasper.	Jones of Atascosa.
Akin.	Justiss.
Barron.	Kennedy.
Bedford.	Lilley.
Bounds.	Lockhart.
Boyd.	McCombs.
Brice.	McGill.
Burns	McGregor.
of McCulloch.	Magee.
Burns of Walker.	Murphy.
Claunch.	Olsen.
Coltrin.	Petsch.
Daniel.	Ray.
DeWolfe.	Reader.
Dowell.	Richardson.
Elliott.	Rogers.
Engelhard.	Rountree.
Farmer.	Sanders.
Farrar.	Scott.
Fisher.	Shelton.
Forbes.	Smith of Bastrop.
Ford.	Smith of Wood.
Fuchs.	Sparkman.
Goodman.	Stephens.
Graves.	Steward.
Greathouse.	Strong.
Grogan.	Sullivant.
Hanson.	Terrell
Harman.	of Cherokee.
Holder.	Towery.
Howsley.	Van Zandt.
Hughes.	Vaughan.
Jackson.	West of Coryell.
Johnson of Morris.	

Nays—57.

Adams of Harris.	Hardy.
Adamson.	Harrison
Adkins.	of El Paso.
Alsup.	Harrison
Baker.	of Waller.
Beck.	Hatchitt.
Bryant.	Herzik.
Caven.	Hill.
Coombes.	Hines.
Cunningham.	Holland.
Dale.	Holloway.
Davis.	Hoskins.
Donnell.	Hubbard.
Duvall.	Johnson
Ferguson.	of Dallam.
Finn.	Johnson
Gilbert.	of Dimmit.
Giles.	Keller.

Lee.	Sherrill.
McDougald.	Stevenson.
Martin.	Tarwater.
Mathis.	Turner.
Metcalf.	Veatch.
Moore.	Wagstaff.
Munson.	Walker.
Nicholson.	Warwick.
Patterson.	Weinert.
Pope.	Westbrook.
Ratliff.	Wyatt.
Satterwhite.	Young.
Savage.	

## Present—Not Voting.

Leonard.	Wiggs.
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## Absent.

Albritton.	Kayton.
Anderson.	Laird.
Bond.	Lasseter.
Bradley.	Lemens.
Brooks.	Long.
Carpenter.	Mehl.
Cox of Limestone.	Moffett.
Dodd.	O'Quinn.
Dunlap.	West of Cameron.

## Absent—Excused.

Cox of Lamar.	Morse.
Dwyer.	Ramsey.
Hefley.	Terrell
Jones of Shelby.	of Val Verde.

Mr. Sanders moved to reconsider the vote by which the amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

The amendment as substituted was then adopted.

House bill No. 547 was then passed to engrossment by the following vote:

## Yeas—107.

Adams of Harris.	Coltrin.
Adams of Jasper.	Cunningham.
Adamson.	Dale.
Adkins.	Daniel.
Akin.	Davis.
Alsup.	DeWolfe.
Baker.	Donnell.
Barron.	Dowell.
Beck.	Duvall.
Bedford.	Elliott.
Bounds.	Engelhard.
Boyd.	Farmer.
Brice.	Farrar.
Bryant.	Ferguson.
Burns	Finn.
of McCulloch.	Fisher.
Burns of Walker.	Forbes.
Carpenter.	Ford.
Caven.	Fuchs.
Claunch.	Gilbert.

Giles.	Metcalf.
Goodman.	Moore.
Graves.	Munson.
Greathouse.	Murphy.
Grogan.	Olsen.
Hanson.	Petsch.
Harman.	Ratliff.
Harrison	Ray.
of El Paso.	Reader.
Harrison	Richardson.
of Waller.	Rogers.
Herzik.	Rountree.
Hines.	Sanders.
Holder.	Savage.
Holland.	Scott.
Holloway.	Shelton.
Hoskins.	Sherrill.
Howesley.	Smith of Bastrop.
Hubbard.	Smith of Wood.
Hughes.	Sparkman.
Jackson.	Stephens.
Johnson	Steward.
of Dimmit.	Strong.
Johnson of Morris.	Sullivant.
Jones of Atascosa.	Terrell of Cherokee.
Justiss.	Towery.
Leonard.	Turner.
Lilley.	Van Zandt.
Lockhart.	Vaughan.
McCombs.	Veatch.
McGill.	Wagstaff.
McGregor.	Weinert.
Magee.	West of Coryell.
Martin.	Wiggs.
Mathis.	

## Nays—17.

Coombes.	Patterson.
Hardy.	Pope.
Hatchitt.	Satterwhite.
Hill.	Stevenson.
Johnson	Tarwater.
of Dallam.	Walker.
Keller.	Warwick.
McDougald.	Wyatt.
Nicholson.	Young.

## Present—Not Voting.

Kennedy.

## Absent.

Albritton.	Lasseter.
Anderson.	Lee.
Bond.	Lemens.
Bradley.	Long.
Brooks.	Mehl.
Cox of Limestone.	Moffett.
Dodd.	O'Quinn.
Dunlap.	West of Cameron.
Kayton.	Westbrook.
Laird.	

## Absent—Excused.

Cox of Lamar.	Morse.
Dwyer.	Ramsey.
Hefley.	Terrell
Jones of Shelby.	of Val Verde.

## Paired.

Mr. Kennedy (present), who would vote "yea," with Mr. O'Quinn (absent), who would vote "nay."

## HOUSE BILL NO. 547 ON THIRD READING.

Mr. Sanders moved that the constitutional rule requiring bills to be read on three several days be suspended and that House bill No. 547 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—105.

Adams of Jasper.	Herzik.
Adamson.	Hines.
Adkins.	Holder.
Akin.	Holland.
Alsup.	Holloway.
Baker.	Hoskins.
Barron.	Howsley.
Beck.	Hubbard.
Bedford.	Hughes.
Bounds.	Jackson.
Boyd.	Johnson
Brice.	of Dimmit.
Bryant.	Johnson of Morris.
Burns	Jones of Atascosa.
of McCulloch.	Justiss.
Burns of Walker.	Leonard.
Carpenter.	Lilley.
Caven.	Lockhart.
Claunch.	McCombs.
Coltrin.	McGill.
Dale.	McGregor.
Daniel.	Magee.
Davis.	Martin.
DeWolfe.	Mathis.
Donnell.	Metcalfe.
Dowell.	Moore.
Duvall.	Munson.
Elliott.	Murphy.
Engelhard.	Petsch.
Farmer.	Ratliff.
Farrar.	Ray.
Ferguson.	Reader.
Finn.	Richardson.
Fisher.	Rogers.
Forbes.	Rountree.
Ford.	Sanders.
Fuchs.	Satterwhite.
Gilbert.	Savage.
Giles.	Scott.
Goodman.	Shelton.
Graves.	Smith of Bastrop.
Greathouse.	Smith of Wood.
Grogan.	Sparkman.
Hanson.	Stephens.
Harman.	Stevenson.
Harrison	Steward.
of El Paso.	Strong.
Harrison	Sullivant.
of Waller.	Terrell of Cherokee.

Towery.  
Turner.  
Van Zandt.  
Vaughan.  
Veatch.

Wagstaff.  
Weinert.  
West of Coryell.  
Wiggs.

## Nays—18.

Adams of Harris.	Nicholson.
Coombes.	Patterson.
Cunningham.	Pope.
Hardy.	Sherrill.
Hatchitt.	Tarwater.
Hill.	Walker.
Johnson	Warwick.
of Dallam.	Wyatt.
Keller.	Young.
McDougald.	

## Absent.

Albritton.	Lasseter.
Anderson.	Lee.
Bond.	Lemens.
Bradley.	Long.
Brooks.	Mehl.
Cox of Limestone.	Moffett.
Dodd.	Olsen.
Dunlap.	O'Quinn.
Kayton.	West of Cameron.
Kennedy.	Westbrook.
Laird.	

## Absent—Excused.

Cox of Lamar.	Morse.
Dwyer.	Ramsey.
Hefley.	Terrell
Jones of Shelby.	of Val Verde.

The Speaker then laid House bill No. 547 before the House, on its third reading and final passage.

The bill was read third time.

On motion of Mr. Sanders, by unanimous consent, the caption of the bill was ordered amended to conform to all changes made in the body of the bill.

House bill No. 547 was then passed by the following vote:

Yeas—103.

Mr. Speaker.	Burns
Adams of Harris.	of McCulloch.
Adams of Jasper.	Burns of Walker.
Adamson.	Carpenter.
Adkins.	Caven.
Akin.	Claunch.
Alsup.	Coltrin.
Baker.	Dale.
Barron.	Daniel.
Beck.	Davis.
Bedford.	DeWolfe.
Bounds.	Donnell.
Boyd.	Dowell.
Brice.	Elliott.
Bryant.	Engelhard.

Farmer.	McCombs.
Farrar.	McGill.
Ferguson.	Magee.
Finn.	Mathis.
Fisher.	Metcalfe.
Forbes.	Moore.
Ford.	Munson.
Fuchs.	Murphy.
Gilbert.	Olsen.
Giles.	Petsch.
Goodman.	Ratliff.
Graves.	Ray.
Greathouse.	Reader.
Grogan.	Richardson.
Hanson.	Rogers.
Harman.	Rountree.
Harrison	Sanders.
of El Paso.	Savage.
Harrison	Scott.
of Waller.	Shelton.
Herzik.	Sherrill.
Hines.	Smith of Bastrop.
Holder.	Smith of Wood.
Holland.	Stephens.
Holloway.	Steward.
Hoskins.	Strong.
Howsley.	Sullivant.
Hubbard.	Terrell
Hughes.	of Cherokee.
Jackson.	Towery.
Johnson	Turner.
of Dimmit.	Van Zandt.
Johnson of Morris.	Vaughan.
Jones of Atascosa.	Veatch.
Justiss.	Wagstaff.
Leonard.	Weinert.
Lilley.	West of Coryell.
Lockhart.	Wiggs.

## Nays—19.

Coombes.	Nicholson.
Cunningham.	Patterson.
Hardy.	Pope.
Hatchitt.	Satterwhite.
Hill.	Stevenson.
Johnson	Tarwater.
of Dallam.	Walker.
Keller.	Warwick.
McDougald.	Wyatt.
Martin.	Young.

## Present—Not Voting.

Kennedy.

## Absent.

Albritton.	Lasseter.
Anderson.	Lee.
Bond.	Lemens.
Bradley.	Long.
Brooks.	McGregor.
Cox of Limestone.	Mehl.
Dodd.	Moffett.
Dunlap.	O'Quinn.
Duvall.	Sparkman.
Kayton.	West of Cameron.
Laird.	Westbrook.

## Absent—Excused.

Cox of Lamar.	Morse.
Dwyer.	Ramsey.
Hefley.	Terrell
Jones of Shelby.	of Val Verde.

## Paired.

Mr. Kennedy (present), who would vote "yea," with Mr. O'Quinn (absent), who would vote "nay."

## SPECIAL ORDER SET.

On motion of Mr. Mathis, House bill No. 185 was set as a special order for 2 o'clock p. m. Wednesday, March 25.

## HOUSE BILL NO. 30, WITH SENATE AMENDMENTS.

Mr. Keller called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 30, A bill to be entitled "An Act amending Article 604 of the 1925 Penal Code of the State of Texas, so as to make it mandatory that the court, or judge thereof, set down at hearing an allowance for the support of deserted wives and children; providing for incidentals thereto, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Keller, the House concurred in the Senate amendments by the following vote:

## Yeas—107.

Adams of Harris.	Daniel.
Adams of Jasper.	DeWolfe.
Adamson.	Donnell.
Adkins.	Dowell.
Akin.	Elliott.
Alsup.	Engelhard.
Baker.	Farmer.
Beck.	Farrar.
Bounds.	Ferguson.
Boyd.	Finn.
Brice.	Fisher.
Bryant.	Forbes.
Burns	Ford.
of McCulloch.	Fuchs.
Burns of Walker.	Gilbert.
Carpenter.	Giles.
Caven.	Goodman.
Claunch.	Graves.
Coltrin.	Greathouse.
Coombes.	Grogan.
Dale.	Hanson.

Hardy.	Metcalf.
Harman.	Moore.
Harrison	Murphy.
of El Paso.	Olsen.
Hatchitt.	Petsch.
Herzik.	Ratliff.
Hill.	Ray.
Hines.	Reader.
Holder.	Rogers.
Holland.	Rountree.
Holloway.	Satterwhite.
Howsley.	Savage.
Hubbard.	Shelton.
Hughes.	Sherrill.
Jackson.	Smith of Bastrop.
Johnson	Smith of Wood.
of Dallam.	Stevenson.
Johnson	Steward.
of Dimmit.	Strong.
Johnson of Morris.	Sullivant.
Jones of Atascosa.	Tarwater.
Justiss.	Towery.
Keller.	Turner.
Kennedy.	Van Zandt.
Lee.	Vaughan.
Leonard.	Veatch.
Lilley.	Wagstaff.
Lockhart.	Walker.
McCombs.	Warwick.
McDougald.	Weinert.
McGill.	West of Coryell.
Magee.	Wiggs.
Martin.	Young.
Mathis.	

Nays—1.

Terrell  
of Cherokee.

Absent.

Albritton.	Lemens.
Anderson.	Long.
Barron.	McGregor.
Bedford.	Mehl.
Bond.	Moffett.
Bradley.	Munson.
Brooks.	Nicholson.
Cox of Limestone.	O'Quinn.
Cunningham.	Patterson.
Davis.	Pope.
Dodd.	Richardson.
Dunlap.	Sanders.
Duvall.	Scott.
Harrison	Sparkman.
of Waller.	Stephens.
Hoskins.	West of Cameron.
Kayton.	Westbrook.
Laird.	Wyatt.
Lasseter.	

Absent—Excused.

Cox of Lamar.	Morse.
Dwyer.	Ramsey.
Hefley.	Terrell
Jones of Shelby.	of Val Verde.

# BILL AND RESOLUTIONS SIGNED BY THE SPEAKER.

The Speaker signed, in the presence of the House, after giving due notice thereof and their captions had been read severally, the following enrolled bill and resolutions:

S. C. R. No. 26, Recalling House bill No. 656 for further consideration.

H. C. R. No. 44, Recalling House bill No. 537 from the Governor.

H. B. No. 109, "An Act making it unlawful to trap, snare, shoot at, catch or kill any wild fox in Bell county; providing a penalty, and declaring an emergency."

## MESSAGE FROM THE SENATE.

Senate Chamber,  
Austin, Texas, March 24, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: I am directed by the Senate to inform the House that the Senate has passed the following:

S. B. No. 403, A bill to be entitled "An Act declaring the lands set apart for the endowment of the University of Texas by the Constitution of 1876, and by an Act of the Legislature of 1883, which are now unsold, to be subject to taxation for county purposes in the counties in which they are located; requiring the State Tax Board to fix the values for the purpose of taxation; directing the tax collectors of certain counties to render a report to the Comptroller; providing that the State shall pay annually to each of the counties in which said lands are located an amount equal to the tax imposed upon said land for county purposes, and declaring an emergency."

Respectfully,

JNO. B. DuPRIEST,  
Assistant Secretary of the Senate.

## SENATE BILLS ON FIRST READING.

The following Senate bills, received from the Senate today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

S. B. No. 403, to the Committee on Revenue and Taxation.

S. B. No. 334, to the Committee on Conservation and Reclamation.

S. B. No. 407, to the Committee on Education.

## RECESS.

On motion of Mr. Hardy, the House, at 5 o'clock p. m., took recess to 9:30 o'clock a. m. tomorrow.

## APPENDIX.

## STANDING COMMITTEE REPORTS.

The following committees have filed favorable reports on bills, as follows:

Oil, Gas and Mining: House bill No. 975.

Constitutional Amendments: House joint resolutions Nos. 37 and 38.

Criminal Jurisprudence: Senate bill No. 54, House bills Nos. 681, 784, 789, 794 and 740.

Revenue and Taxation: Senate bill No. 371.

The following committees have filed adverse reports on bills, as follows:

Revenue and Taxation: House bill No. 566.

Constitutional Amendments: House joint resolutions Nos. 18, 32, 34 and 43.

Appropriations: House bill No. 27.

The Committee on Common Carriers filed an adverse report, with a minority favorable report, on House bill No. 249.

The Committee on Insurance filed an adverse report, with a minority favorable report, on House bill No. 257.

The Committee on Revenue and Taxation filed an adverse report, with a minority favorable report, on House bill No. 608.

## REPORTS OF THE COMMITTEE ON ENGROSSED BILLS.

Committee Room,  
Austin, Texas, March 23, 1931.

Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred H. B. No. 9, A bill to be entitled "An Act defining fraternal benefit societies; providing a lodge system and requiring a representative form of government; prescribing the qualifications of membership therein, and granting members right to designate their own beneficiaries, etc., and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman

Committee Room,  
Austin, Texas, March 23, 1931.  
Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 258, A bill to be entitled "An Act amending Article 7150, Section 1, of the Revised Civil Statutes of 1925, of the State of Texas, by adding thereto a provision exempting a dwelling place for the ministry of such church or religious society, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,  
Austin Texas, March 24, 1931.  
Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed bills, to whom was referred

H. B. No. 760, A bill to be entitled "An Act to amend Chapter 274, Acts of the Fortieth Legislature, Regular Session, as amended by Chapter 8, Acts of the Fortieth Legislature, First Called Session, relating to the offense of murder; providing additional procedure for instructing the jury upon the trial of the offense of murder, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

Committee Room,  
Austin, Texas, March 24, 1931.  
Hon. Fred H. Minor, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 761, A bill to be entitled "An Act to amend Article 1160, Penal Code, 1925, relating to the offense of assault with intent to murder, and adding to Chapter 4, Title 15, Penal Code of the State of Texas, Article 1160a, providing that upon the trial of one charged with the offense mentioned there shall be an instruction defining malice aforethought and in a proper case murder without malice; fixing the penalty for assault with intent to murder without malice; repealing all laws in conflict herewith, and declaring an emergency,"

Have carefully compared same and find it correctly engrossed.

JUSTISS, Chairman.

# REPORTS OF THE COMMITTEE ON ENROLLED BILLS.

Committee Room,  
Austin, Texas, March 24, 1931.

Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. B. No. 725, "An Act authorizing  
any navigation district organized or  
hereafter to be organized under any  
of the provisions of the Constitution  
or laws of this State, created for the  
development of deep water naviga-  
tion, to borrow money and to mort-  
gage and encumber any part or all  
of its properties and facilities and  
the franchise and revenues and in-  
come from the operation thereof and  
everything pertaining thereto, to se-  
cure the payment of funds to pur-  
chase, build, improve, enlarge, extend  
or repair any of its wharves, docks,  
warehouses, levees, bulkheads, canals,  
watersways and other aids to naviga-  
tion, and to execute evidences of such  
indebtedness secured by said encum-  
brance bearing interest at a rate of  
not to exceed six (6%) per cent and  
maturing not to exceed twenty (20)  
years from date, providing for a fran-  
chise in event of default, a trustee  
to enforce default, providing condi-  
tions of said encumbrance and obli-  
gations, providing for repurchase af-  
ter default, providing for the manage-  
ment thereof during the term of said  
encumbrance, and further empower-  
ing any such district to borrow funds  
for current expenses and to issue  
warrants therefor, limiting the  
amount of said warrants and the rate  
of interest thereon and the time of  
payment thereof, and declaring an  
emergency,"

Have carefully compared same and  
find it correctly enrolled.

BOUNDS, Vice-Chairman.

Committee Room,  
Austin, Texas, March 24, 1931.

Hon. Fred H. Minor, Speaker of the  
House of Representatives.

Sir: Your Committee on Enrolled  
Bills, to whom was referred

H. C. R. No. 42, Inviting Charles  
G. Wood to address the Legislature.

Have carefully compared same and  
find it correctly enrolled.

BOUNDS, Vice-Chairman.

# PROCEEDINGS OF COMMITTEE ON CLAIMS AND ACCOUNTS HAD ON HEARING CLAIMS FOR DAMAGES RESULT- ING FROM HOOF- AND-MOUTH DIS- EASE QUAR- ANTINE.

On motion of Mr. Brooks, by unani-  
mous consent, the following testimony  
was ordered printed in the Journal:

Transcript of Proceedings at Hearing  
of House Committee of Claims and  
Accounts Held at the Audi-  
torium of the Dickinson  
High School, Dickinson,  
Texas, on February  
14, 1931.

At a meeting of the Committee of  
Claims and Accounts of the House of  
Representatives of the State of Texas  
held on February 14, 1931, at the au-  
ditorium of the Dickinson high school,  
Dickinson, Texas, for the purpose of  
hearing claims of Galveston county  
dairymen sponsored by the Mainland  
Chamber of Commerce, which claims  
grew out of damages resulting from  
hoof-and-mouth disease quarantine in  
1925 and 1926, the following proceed-  
ings were had:

The meeting was duly called to or-  
der at 10 a. m. by Mr. Ben F. Brooks,  
chairman of said committee.

The following members of the com-  
mittee were present:

Mr. Ben F. Brooks, chairman.

Mr. Olen R. Van Zandt.

Mr. Homer DeWolfe.

Mr. A. N. Justiss.

Mr. W. C. Carpenter of Matagorda  
county.

Mr. E. D. Dunlap.

Mr. Albert K. Daniel.

Mr. J. W. Adamson.

Mr. Leon Harrison of Waller  
county.

Accompanying the committee were  
the following:

Mr. Fred Minor, Speaker of House  
of Representatives.

Mr. Dewey Young, former chairman  
of said committee.

Mr. W. H. Wiggs.

Claimants were represented at this  
hearing by the following:

Mrs. Helen B. Moore.

Mr. John L. Darrouzet.

Senator T. J. Holbrook.

Mr. Fine G. Bedford.

Mr. T. Read.

Mr. James McKenna.



Mr. Brooks: I will say this to the citizenship that is gathered here this morning: That we come at the invitation of the Mainland Chamber of Commerce, of which you are a part, feeling that we might bring you people of this section a little nearer in touch with your State government in holding this hearing here that you might present your claims to us. It is a custom of the Claims Committee of the Legislature not to grant every request that is asked.

At the present time we have the Speaker of the House with us, whom you have heard. We have the former chairman of the Claims and Accounts Committee, Mr. Dewey Young, who served the past two years and under whom was granted your claims, as you already know. I have had several letters from members of the committee last year that presented to us the claims, some of a complimentary nature and some otherwise. Unfortunately, as one of your committee-men wrote me last week, he had the idea that I was one of the committee who opposed your claims last year. It is unfortunate or fortunate for him that I was selected chairman of that committee this year, but he paid me the compliment of saying that he believed, and my fellow members in the Legislature said, that regardless of which side I might be on they considered me a rather conservative member of that committee and they believed I was a square shooter.

At the invitation of your Chamber of Commerce this year, thinking that we might bring the State Legislature a little nearer to your citizenship, we came down here and are here now to listen to your claims. As I said in the beginning, and will say again as chairman of that committee, we do not grant every claim that is asked. We are protectors at the present time of the State Treasury. In other words, we are the watchdogs of the State Treasury and of the taxpayers' money. You are interested; every citizen in the State of Texas, every voter in the State of Texas, has an interest in the money in the State Treasury of Texas. It is part of your money, and we are there protecting it for you today; but when, in the judgment of this committee, a claim comes before us that we declare just and legal we are glad to give back to you that which we believe you deserve. Under that consideration today we are here to hear your claims, their justness and legality.

I will ask the Clerk first to call the roll of the committee.

The following were present: Messrs. Brooks, Carpenter, Daniel, DeWolfe, Harrison, Justiss, Van Zandt, Adamson and Dunlap.

Mr. Darrouzet: We would like to present first the President of the Mainland Chamber of Commerce for the purpose of outlining to you the attitude of our people here on the question. Mr. Carl Nessler.

Mr. Nessler: Gentlemen, I just want to say a few words. First, I am very glad you came down here to get the information from the people who are here.

On behalf of the Mainland Chamber of Commerce I just want to say that when these people asked us to sponsor these claims we went into these claims thoroughly before we would have anything to do with them. We investigated each claim separately, and we believe that every claim that is on that list is just. We had to cut some of them, and some of them we have thrown out altogether. We didn't just take these claims and try to get something for these people whether they were entitled to it or not. We actually went into them; and, in order to give you a chance to hear from these people themselves just what they have gone through on account of this hoof-and-mouth disease, we have invited you down here.

We are certainly glad to have you here, and we are especially glad to have the Speaker of the House and the Chairman of the Claims Committee of two years ago. We hope that before you get through you will have a better understanding of these claims.

Now, as to the program, of course, that is entirely in your hands. We can call these people up to the front here. We have the names here. Each one can testify, and you can ask them any question that you like.

The following testimony was adduced at this hearing:

Testimony of Mrs. Ed. Childs.  
(Claim No. 55.)

Mr. Darrouzet:

Q. You are Mrs. Ed. Childs?

A. Yes, sir.

Q. Mrs. Childs, you live in Galveston county?

A. Yes, sir.

Q. Where do you live?

A. Arcadia.

Q. Did you file a claim with the State through the Mainland Chamber of Commerce?

A. My husband and I together.

Q. Your husband is now dead?

A. No, he is in the State Hospital.

Q. Just tell the committee all about it, how you lost your money?

A. Well, of course, the hoof-and-mouth disease just came along, and they came and slaughtered the cows and, of course, in about two months I lost 44 cows.

Q. This claim that you have got in here now is not for cows?

A. No, for milk.

Q. The money is due you?

A. Yes, sir.

Q. And you haven't received anything from anybody?

A. No, sir.

Q. That put you in a pretty bad way after you lost your cows?

A. Yes, sir.

Q. Did the State kill the cows?

A. Yes.

Q. That is, the Live Stock Sanitary Commission killed them?

A. Yes, sir.

Mr. Brooks:

Q. Were you paid for the cattle?

A. Yes, sir.

Q. How much per head, do you remember?

A. I think it was \$35 a head.

Q. Were they all milk cows, or were they a mixture of milk cows and calves?

A. Some calves, not all.

Q. Forty-four heifers?

A. Yes, sir.

Q. At an average of \$35 per head?

A. Yes, sir.

Q. What is your number?

A. My number is 55.

Mr. Carpenter:

Q. How many cows were being milked at the time of the killing?

A. Twenty.

Q. About how much milk per day did they average?

A. Whatever is on the paper there. It has been so long ago I don't remember.

Q. The amount of your claim is \$900, is that correct?

A. Yes, sir.

Mr. Brooks:

Q. Was there any other property destroyed for which you were paid money by the government at that time?

A. No, sir, we only got paid for our cows. Of course, there were other things destroyed.

Q. You never received any pay for any other articles or things that you might have had destroyed?

A. No, sir.

Q. The only money you received was for the cattle?

A. That is all.

Mr. Van Zandt:

Q. Do you have any hogs?

A. No, sir. A few horses.

Q. Did you have any horses killed by the government?

A. No, sir.

Mr. DeWolfe:

Q. What do you base this claim on? You say you have a claim here now for \$900. What does this include—only milk?

A. Yes, sir.

Q. Nothing but just milk?

A. Yes, sir, just milk.

Q. Over how long a period does that extend and what price do you put on the milk?

Mr. Cox: I will say this for her: It is all figured; half of the cost of the milk at 30 cents a gallon. Another thing I would like to say: Mrs. Childs' husband, at the time these people took the cattle, went blind. He is now in Austin.

Mr. Carpenter: What did it cost to milk a cow per day?

A. I don't know.

Mr. Cox: They did their own work.

Mr. Mackay: I might be able to give you some idea of what was going on. I happened to be the first victim. My cattle were first taken, and I followed this up. After I got into this, I happened to be chairman of the Mainland Chamber of Commerce. There were forty-nine hundred milk cows taken. These people were left destitute. For seven months we were not permitted to grow crops. We could not harvest any crops, because they said it might carry the hoof-and-mouth disease. We were in this condition for seven months of strict quarantine, in which we were not allowed to mingle with anybody. After seven months, a few test cattle were put in, but with the understanding that if anyone put a cow on his place and it developed hoof-and-mouth disease the State would not have to pay for it. They took it at their own risk. It was practically a year that these people had to sit idle.

The State and Federal government participated in the payment of those cattle on a fifty-fifty basis. The Federal government paid them in about six weeks, and the State didn't have any money and issued deficiency warrants and they came due after the next Legislature, about 16 or 18 months afterwards. They had nothing left to start in business again.

Mr. Van Zandt: Can you outline the zone for the quarantine?

Mr. Mackay: Fairly well, yes, sir. The strict zone started about a half mile west of Algoa and was to extend to the gulf. All cattle within that area was to be killed. Then they went on to Arcadia. By that time the people became so outraged by the harsh methods employed—breaking gates and shooting hogs—that we got out an injunction against the State and Federal governments.

Mr. Van Zandt: Outline the zone.

Mr. Mackay: This zone was established about a mile west of Algoa to a mile south of Alta Loma, where we stopped that quarantine, and between the two railroads, the Santa Fe and G. H. & H. I had a big crop of pigs, and the pig plant was across the railroad, and I couldn't market any of my pigs.

Mr. Van Zandt: Were there any of these claims for milk arising from people outside of this zone of quarantine?

Mr. Mackay: No, sir, no one. Some people moved away, but at that time they were all within this zone. There was another zone established up toward Houston.

Mr. Van Zandt: These claims, do they affect or come from that zone?

Mr. Mackay: Yes, we have in the Houston zone, but there were some claims that were stock claims, which we did not handle.

Mr. Van Zandt: All these claims are for milk?

Mr. Mackay: Milk and crops only.

Mr. Van Zandt: Can you give the committee the date of the quarantine?

Mr. Mackay: It was placed on us, as I understand, about the 29th of August, and my cattle were taken about September.

Mr. Van Zandt: When was that?

Mr. Mackay: The 15th of May was a strict quarantine. The other was held over until the following December or January. After the strict quarantine, there was a restricted quarantine, under which cattle could be

brought in at the risk of the party who brought them. There was seven months in which no cattle could be brought in. There was no milk. The people were simply left destitute. They could not sell anything but eggs, and poultry dead with head and feet cut off.

Mr. Van Zandt: What year was that?

Mr. Mackay: 1925 and 1926.

Mr. Brooks: The committee wants to get the human touch. You see, Mrs. Childs, we want to know your condition; how you were affected; whether you were financially burdened from this or not. You see the committeemen have had representatives before their committee, and we got their viewpoint. We have had that time after time. What we want to know is the condition it left you in—if your cattle were destroyed and you were paid back. Do you own your home?

A. Yes, sir.

Q. Were you financially burdened after your cattle were destroyed?

A. I certainly was.

Q. You have no other means of livelihood?

A. No, sir, none whatever.

Q. I want to know this, too: Sometimes in a quarantine a quarantine is done for the good of the people. It is for your good and for the outsiders' good. At the time, do you believe it was for your good that your cattle were destroyed?

A. Well, I can't see it that way, because that was our only living.

Q. Supposing the disease had gone on among your cattle and the cattle died and nobody would pay you back, would you have lost more; or would it have been better for you to have been quarantined and the State pay you back?

A. Of course, if the cattle had the disease it was only right that they be taken off. Our cattle didn't have it.

Q. You made no money during the time the quarantine was on?

A. No, sir.

Q. After the quarantine was lifted, what did you and your family do?

A. Well, we just had to live on the money we got from the State and government.

Q. You lived on that money during the quarantine?

A. Well, part of it. We taken it to have my husband's eyes restored. He had three operations.

Q. You would have done that regardless of whether or not you got the money from the government?

A. Yes, but he taken the money to cure his eyes and got no results.

Q. At the end of the quarantine, do you remember how much money you had in the bank, or surplus at the end of the quarantine?

A. You mean before we got money from the government?

Q. You say you got your money?

A. I didn't have very much; several hundred dollars, I guess.

Q. When the quarantine was lifted, what did you do with this money?

A. Well, we spent it on my husband's eyes, trying to cure him.

Q. I was wanting to find out if you went back into the dairy business.

A. No, sir.

Q. How long had you been in the dairy business before your cattle were killed?

A. About fourteen years. We didn't go back in the dairy business at all.

Q. Did you have any particular reason at that time why you did not go back in the dairy business?

A. Well, the cost. Mr. Childs couldn't until he got his sight.

Q. The main reason was his physical condition?

A. Yes, sir. It wasn't long after that before he lost his mind.

Q. I am sure the Committee wants to get the exact living conditions you had to undergo during this quarantine and after, how you were hurt and all that.

A. Well, I had a struggle to get through, and still have it.

Mr. Darrouzet: He means after the quarantine, were you getting along as well as you did before the quarantine.

A. No, sir.

Q. You live on the other side of the Santa Fe track?

A. Yes, sir.

Q. There was but one case of hoof-and-mouth disease over there, if any? There wasn't supposed to be but one case of hoof-and-mouth disease?

A. Just about a mile from there.

Q. And they extended the quarantine line to the other side of the Santa Fe track?

A. Yes, sir.

Mr. Carpenter: What do you mean by "the other side"?

A. The south side.

Mr. Darrouzet:

Q. Your living conditions after this quarantine was put on were just about as bad as they could be?

A. I should say they were.

Q. Prior to that, you did pretty well?

A. We had been milking cows, and got along nicely.

Q. You claim, as I understand it, you had 44 cows, the appraised value of which was \$1700. You were milking 15 of them and you had 7 springers, and you were producing 25 gallons of milk per day. What is the price of that milk?

A. Then?

Q. Yes.

A. Thirty cents a gallon.

Q. Then you split that in two and took 15 cents for feeding and work, is that about it in your case?

A. I suppose so.

Mr. Carpenter: Were those 25 cows giving milk, or had some of them gone dry?

A. Some were strippers, you might call them.

Mr. DeWolfe: For how long a time did you figure the price of this milk; in computing this claim, how many days was it allowed to run after the stock was killed?

A. Two hundred days.

Mr. Cox: I would like to make this statement, Mr. Chairman: I run the Farmers' Co-operative Feed Store, and nearly all the milk people come to that feed store for feed. I was one of those appointed by the court to look after these people. They came to us with these claims. We really adjusted each one's claim according to his feed. Most of these people really do not know exactly how they were figured. That is the way they got out the price of the different feeds, the difference between their feed and the price that they got for their milk.

Mr. Wiggs:

Q. How long was this quarantine on, altogether?

A. Altogether, they held the quarantine for a year.

Q. Now, part of these cows were dry, but part of them would have been fresh during that time?

A. Yes, sir. The quarantine they held us in was about 200 days. They would not allow us to put in a cow, and then we had to have a permit from the Sanitary Commission to do so.

Mr. Darrouzet: Do you have any claim for crops or anything destroyed?

A. Just milk.

Mr. Minor: Do I understand that these cattle were slaughtered whether they were affected with the disease or not?

A. Yes, sir.

Testimony of T. C. Scruggs  
(Claim No. 72.)

Mr. Darrouzet:

Q. You are T. C. Scruggs?

A. Yes, sir.

Q. You live on the mainland, in Galveston county?

A. Yes, sir.

Q. Where do you live?

A. A mile east of Algoa.

Q. Do you know anything about milk conditions in and about Galveston county?

A. Yes, sir; I have been in the dairy business for ten years.

Q. Do you know the value of milk in Galveston county?

A. Yes, sir.

Q. You say you do know the general value of milk in and about this county on the mainland?

A. Yes, sir.

Q. Have you made any investigation to ascertain what the value of the milk was during the quarantine?

A. Yes, sir.

Q. What was it?

A. Well, they were getting from 85 cents to 95 cents a pound for butter-fat, which would be around 30 cents a gallon.

Q. What did you do about the cost of handling and feeding in these claims? You have to split that in two, made it 50 per cent; in other words, it is 15 cents net?

A. Yes, sir.

Q. Now, you are No. 72?

A. Yes, sir.

Q. You had 42 cattle killed?

A. Yes, sir.

Q. The appraised value was \$1938.00?

A. Yes, sir.

Q. You were milking 22 of them?

A. Yes, sir.

Q. You had six springers?

A. Yes, sir.

Q. Producing 35 gallons of milk per day?

A. Yes, sir.

Mr. DeWolfe:

Q. Did you have any claim here except for milk?

A. Yes, sir.

Q. What does that consist of?

A. Sudan grass. They would not let me harvest it.

Q. That wasn't paid for?

A. No, sir.

Q. How many acres of it did you have?

A. Fifteen, I believe.

Q. What value do you place on that?

A. I think it was around \$20.00 an acre—no, \$15.00 an acre.

Q. Fifteen dollars an acre and 15 acres?

A. Yes, sir.

Q. Does your claim consist of anything else?

A. Yes, four acres of sweet potatoes and peanuts. I have 42 acres in cultivation and had practically all of it in crop that year.

Q. What value do you put on the peanuts and potatoes?

A. Potatoes \$50.00 an acre.

Q. For four acres?

A. Yes, sir.

Q. And the peanuts?

A. I believe it was \$20.00.

Q. Did you harvest for your own consumption any of those peanuts and potatoes; did you use any of those peanuts and potatoes?

A. No peanuts. We might have dug probably a few potatoes to eat.

Q. They did permit you to do that under the quarantine regulations?

A. Yes, as long as you didn't take them off the place and try to market them.

Q. They did let you use them for family use?

A. Yes, sir.

Q. Your claim consists of pay for milk, for 15 acres of Sudan grass at \$15.00 an acre, for four acres of potatoes at \$50.00 an acre, and how much peanuts?

A. I couldn't say exactly, off-hand.

Mr. Mackay: If you will excuse me, I can get a copy of his claim. That is five years ago.

Mr. Darrouzet: Are they listed separately?

A. Yes, sir.

Mr. Brooks:

Q. Number of live stock, 42; appraised value, \$1938.00. What does that figure a head?

A. I haven't figured it out. Something like \$45.00, I suppose.

Q. Would you consider that a fair price if you had been selling your cattle?

A. I would consider it a fair price in this way: If I could have sold that cattle for that price and nobody else had their cattle killed and I went on the market, I could have bought cattle about as good as that for that price. But there were something like 20,000 cattle killed, most of them dairy cattle. You realize the price of dairy cattle would naturally go up in this county, and therefore when I went to restock I couldn't buy back the same quality I had at anything like the price I got for them.

Q. What attitude do you take toward a quarantine? Do you believe a quarantine is to help the individual or to hurt him?

A. I believe the quarantine is to help the State or commonwealth or United States.

Q. At the expense of the man quarantined?

A. Regardless of how it affects the individual.

Q. You take the attitude that the individual is not helped by the quarantine?

A. Yes, sir. The individual in this instance wasn't helped by the quarantine.

Q. That might go as an argument because you were in this quarantine. I just wanted your attitude or state of mind about the quarantine. You believe it is for the individual as well as your neighbor?

A. It is for everybody.

Q. Did you go back into the dairy business?

A. Yes, sir.

Q. How soon after the quarantine was raised?

A. I was allowed to put on what they call a test cow, I think in February following this outbreak in September.

Q. Did you replenish your herd to your regular standard?

A. No, sir. The understanding was that you could bring on a test cow, that is, one for each premises, and in the event that she didn't develop the disease in 30 days you could put, say 3 or 4 cows on. Well, then in another 30 days, if they didn't develop the disease you could put on a few more. Over a period of probably a year you would restock to the full amount you had or any amount you wanted. The argument was that in the event of another outbreak you would not have so much stock to destroy.

Q. The reason I wanted to get your attitude on the quarantine was this: Very often a family is quaran-

tinued for measles. The State Health Officer feels it is for the good of that family as well as your neighbor, and if you felt that attitude you would have to feel that you might have to sacrifice a certain amount under any kind of quarantine.

A. Naturally, you would have to sacrifice a certain amount.

Mr. Darrouzet:

Q. How much did it cost you to restock your place?

A. Well, I had 42 killed. When the conditions were so that I could restock, I had only funds or credit enough to buy 16 head.

Q. But the amount of money you got, was that sufficient for you to restock, or did you have to pay a greater price for the new cattle than the government paid you for killing them?

A. Yes, sir, the cattle I had killed brought something like \$45.00. The cattle that I bought would average better than \$75.00.

Mr. Brooks:

Q. Were they all producers that you put on?

A. All producers, practically all of them.

Q. The bunch you had condemned were mixed?

A. Yes, sir.

Q. Calves to milkers?

A. Yes, sir.

Mr. Carpenter:

Q. About how many calves?

A. I couldn't say offhand.

Q. How many milk cows were killed?

A. Forty-four.

Mr. Wiggs:

Q. You said you had some hay. You have a claim in for hay?

A. Yes, sir.

Q. Were you raising this hay for your cattle?

A. Yes, sir.

Q. You got pay for the cattle?

A. Yes, sir.

Q. Then if you got pay for the milk, then really you haven't lost this hay, have you? This hay was for feeding your cattle in order to produce milk. (To Committee): Then if he got paid for his cattle and gets paid for milk the claim would be reduced the price of the hay.

Mr. Darrouzet: They are not putting in a claim for 30 cents, which would have included the hay. They

cut it down to 15 cents, which cut the hay out.

A. The hay I didn't harvest. It all rotted.

Mr. Carpenter:

Q. You answered milk was so much during the quarantine. It rose during the quarantine, didn't it? It got scarcer?

A. It advanced a little, yes.

Q. How do you estimate the value of your potatoes?

A. Well, potatoes ordinarily produce 150 to 200 bushels an acre.

Q. They don't always?

A. That is a fair average.

Q. You had to deduct the cost of gathering?

A. Yes, sir.

Q. Couldn't you store them during the winter?

A. I could if I had the help, but you understand I couldn't hire it.

Mr. Brooks: He might think you have an excessive amount. It isn't excessive—four acres of sweet potatoes at \$50.00? That is a very liberal estimate?

A. I will answer his question this way: Gentlemen, I didn't harvest them. You understand there was no live stock of any nature permitted out on the highway. In order to harvest my potatoes I had to hire one of my neighbors to help me. I went to the doctor who had charge of the permits and asked permission for my neighbor to bring his mules to my place to help harvest the potatoes. He said: "No, I won't allow anything like that. The mules might carry that foot and mouth disease." He wouldn't let you move a tractor or any kind of farm implement from one farm to another.

Mr. Carpenter: Couldn't you have dug them with a hoe?

A. Not four acres with a hoe.

Mr. Van Zandt:

Q. I am interested in the quarantine zone. Tell the committee on what place the foot-and-mouth disease first broke out.

A. I believe it was Dr. Jacobs' place.

Q. Is that in the vicinity of your place?

A. It is probably 18 miles away.

Q. On what theory, or do you know, was this zone particularly set out as Mr. Mackay described?

A. On what theory?

Q. Yes.

A. Well, the theory was this: That the first epidemic, or outbreak, was

at Dr. Jacobs' place, and a few days after that they found a place about 3 or 4 miles from my place. Just as soon as they would find a case of foot-and-mouth disease they would declare that a dead zone within 4 or 5 miles of this case, in order to get all the cattle that would likely have that disease, and those cattle were killed regardless of whether they had it or not.

Q. Your place was quarantined?

A. Yes, sir.

Q. Who came upon the premises and quarantined it?

A. Why, I don't know that anyone came upon the premises. In order to establish this quarantine, they stationed guards at certain places along the highway, and all the area between those guards was quarantined.

Q. There is another question. Who came upon your premises and destroyed your cattle?

A. Some officers of the Sanitary Commission. They were accompanied by a State ranger, I might add.

Q. Did they take them away from your place, or kill them on the premises?

A. They drove them about five miles.

Q. Would you state as a fact that you know of your own knowledge that no cow or cattle or hogs had ever been on your premises prior to the quarantine that might have been or possibly could have been affected with the hoof-and-mouth disease?

A. That is a pretty hard question.

Q. You wouldn't say there couldn't have been some Alta Loma premises that were not affected?

A. It could be possible, but there was no signs of it. I might say that the doctors were at my place every day up to the time the cattle were taken, and he told me the last day he was there: "There is no signs of foot-and-mouth disease in your herd."

Mr. Darrouzet: I might make a statement right here for the benefit of the committee and Mr. Van Zandt that whenever they found a cow at a little place they simply threw a barrier for two or three miles around that property and they just slaughtered all the cattle within that area, whether they had hoof-and-mouth disease or not. That was the condition we had in the county. I represented the State Highway Commission in court. They went off on the theory that you couldn't tell how far this thing would spread and that the

only way to be sure to stop it would be to kill everything in that area.

Mr. Van Zandt: Couldn't it have been outside of this zone, just as much outside as inside?

Mr. Darrouzet: Why, certainly. A lot of people have a different theory about this hoof-and-mouth disease, but that was their policy, their program. They would simply arbitrarily stake a barrier up there for two or three miles and they would kill everything within that area. They did kill a lot that didn't have the hoof-and-mouth disease.

Mr. Van Zandt: If an animal was killed, was it because it was possibly affected, or was it killed for the protection of the entire State?

Mr. Darrouzet: That is a large argument.

Mr. Cox: They were killed for the protection of the United States. Dr. Ions said if they didn't kill these cattle States around the State of Texas would be quarantined and the Port of Galveston would be quarantined, and then they come with the argument that the State didn't have money to pay for these cattle. The business men or bankers in Houston said that they would put up \$600,000.00 and the banks in Galveston \$50,000.00. Then they released the quarantine but the bankers found some way that they didn't have to pay and we took the scrip for the cattle.

Mr. Carpenter: The theory is that they would quarantine when they found an infected animal?

Mr. Cox: Up there where I live there were about 500 dairy cattle in there. By putting a fence in here and there we could have kept everything else out. I went to the doctor and said: "Will you allow us to put a fence down here and guard those cattle?" He said: "No. We are going to kill everything in there."

Mr. Carpenter: They had been exposed?

Mr. Cox: They might have been.

Mr. Van Zandt:

Q. Did any of your cattle stray off, Mr. Scruggs, or were they on your own premises?

A. You understand this is an open-range country and all the cattle are allowed to run where they will. That was why they would take in so much territory whenever they found an outbreak of the disease. They had to take all the cattle that were likely to come in contact with this cow that had the disease. Someone asked me if this was for my benefit. The sta-

tistics show that only about 2 per cent of the cattle die with hoof-and-mouth disease, and my cattle wouldn't have died if they had contracted it, or only a small percentage would have. The only thing is, they would not give as much milk at that period. Next year they would probably come back as good as any, but the whole United States would have been affected the same way if this disease was permitted to spread, and the loss from the dairy business and beef business would have run into untold millions, but these people down here wouldn't have suffered any more than anyone else. They wouldn't have lost hardly any of their cattle. The only thing they would have lost would be a little milk. They wouldn't give as much milk with the disease.

Q. You couldn't milk them?

A. It wouldn't last long.

Q. The milk wouldn't have been marketable?

A. No, sir, I don't suppose it would.

Q. The loss of milk under those conditions wouldn't have been a loss attributable to the State of Texas? It would have been your personal loss?

A. It would have been my personal loss.

Q. That is the risk a man takes in the dairy business?

A. Yes, sir.

Mr. Brooks: Mr. Dunlap wants to know if any cow or animal that was said to have the disease was ever let live long enough to get well in this particular area.

A. No. They killed them immediately.

Mr. Young:

Q. Mr. Scruggs, I believe you stated that about 2 per cent of the cattle died; that is, statistics showed that.

A. Yes, sir, in the old country where they have the disease.

Q. Why is it such a disturbance is always raised when that disease breaks out?

A. Because it is so easily spread. They claim it just goes like wildfire all over the country if it isn't checked at the first outbreak and it would affect so many animals if it wasn't controlled.

Q. In other words, it spreads just like an epidemic of smallpox?

A. Yes, sir.

Q. Is that the history of it in



other countries where it is permitted to rage?

A. Yes, sir, and a cow does not become immune from one outbreak. She will have it again in the course of time.

Mr. Carpenter:

Q. How much would it have cost you to have harvested those potatoes?

A. I would estimate something like 25 cents a bushel.

Q. You did charge \$.50?

A. Fifty dollars an acre.

Q. You estimate that you would have made 150 bushels an acre?

A. It would probably average that.

Mr. Daniel: When this quarantine broke out, wasn't there some dispute as to whether it was a bona fide hoof-and-mouth disease that broke out?

A. There was quite a bit, but you understand we had the highest authorities in the United States who pronounced this hoof-and-mouth disease. There was none of us could dispute that.

Mr. Young: The fact is, there was a serious situation impending. Of course, you people here were thrown out of your dairy cattle, lost your dairy cattle; but I have heard it expressed that it really was not as serious as it was imagined and that it was more for the inconvenience of those who had in hand the enforcing of the law.

A. Of course, there were lots of rumors to that effect.

Mr. Darrouzet: Right here about the seriousness of it, I will state that the reason we got into this lawsuit was because they threatened, on account of the fight—these men were fighting for what they thought was right—to close the port of Galveston, and at that time we had some eight or nine hundred thousand bales of cotton on the island. The Galveston Cotton Exchange and Chamber of Commerce concluded that if they would quarantine the port of Galveston it would break everybody in Texas. That was probably the only year in the history of Galveston when nearly every bale was on a consignment basis. We got into this lawsuit when they were threatening to quarantine the whole port. As to what effect the hoof-and-mouth disease would have, in the trial of that case—there was all kinds of testimony as to whether it really was hoof-and-

mouth disease—some old cowmen testified it didn't amount to anything and they ought not to kill these people's cattle. As Mr. Scruggs said, a very small percentage ever die of they let them alone. In every herd of cattle there are one or two that have the hoof-and-mouth disease.

Testimony of J. A. Palmer  
(Claim No. 66)

Mr. Darrouzet:

Q. Your name is J. A. Palmer?

A. Yes, sir.

Q. You live at Algoa?

A. I live about a mile east.

Q. In Galveston county?

A. Yes, sir.

Q. You filed a claim here?

A. Yes, sir.

Q. During this time, this hoof-and-mouth disease, you had 81 cattle killed, is that true?

A. Yes, sir.

Q. The appraised value is \$3203?

A. Yes, sir.

Q. You were milking 35?

A. Yes.

Q. You had 18 springers?

A. I believe so.

Q. And you were producing 55 gallons of milk per day?

A. Yes, sir.

Mr. Brooks: What was the average price you received for your cattle?

A. Well, I didn't figure it out.

Mr. Van Zandt: It figured out \$40.

Mr. Brooks:

Q. Do you consider that was a fair return?

A. No, sir.

Q. What would you have considered a fair return to have replaced the cattle in practically the same condition?

A. I could have replaced the grown cows for \$55, but I had a bunch of well-bred heifers in there killed that were hard to replace. The sire of most of those heifers was one of the nicest males in the country.

Q. You considered the value from a breeding standpoint and not the exact price of the cattle?

A. One reason I had a low average on milk was because I had been breeding up for a winter herd and I had a bunch of springers that would have increased my milk a whole lot. I was selling at the Grade "A" Dairy in Galveston on a butter-fat

basis. In the winter I got more than in the summer.

Q. Do you own your own home?

A. No, sir.

Q. You were a renter at the time?

A. No, not exactly at that time.

During the quarantine I leased a piece of ground and put some buildings on it, expecting to buy it later, and it turned out there was some trouble over the title to some of the ground and I contracted to buy another tract of land a half a mile from there, and moved my buildings on it.

Q. You moved before the quarantine?

A. No, afterwards.

Q. When you moved the buildings on the new property, did you go back into the dairy business?

A. I was dairying at the time.

Q. You went back into the business after the quarantine was lifted?

A. As soon as they let me. I think I had one of the best tests on butter-fat. It tested 5 or better. At the time we had our price adjusted that we received for the cows, I had a sworn statement from the man who bought the milk. It showed an extra good bunch of cows.

Q. If you had been farming in place of dairying and had had a bad year, do you figure you would have been any worse off with a bad year of farming than it was to have your cattle killed and the returns that you got for them?

A. I was gone broke. I was farming at the time. I was raising pigs. The quarantine caught me with a hundred tons of ensilage.

Q. What did you do with this ensilage? You had nothing to feed it to. Did you save it over?

A. We kept it over and disposed of it during the summer.

Q. It wasn't an entire loss, then?

A. No, the feed wasn't an entire loss; but when we fixed up our claim the ensilage wasn't considered. There is no claim in for that ensilage. I had a peanut crop that year that was a loss.

Mr. Daniel:

Q. Did you have a claim for that?

A. Yes, sir.

Q. What does your claim consist of other than milk and that?

A. A couple of acres of sweet potatoes.

Q. What value do you put on those?

A. Fifty dollars an acre.

Q. Anything else in the way of feedstuff?

A. I had a few acres of hay, but that wasn't put in on the claim. A few of us on this claim business got together and figured that if we would take the short end there wouldn't be much argument. That was done in getting at the price on milk and feed. The ensilage was left out entirely.

Mr. Brooks:

Q. I am not acquainted with the time you plant peanuts here and how much cultivation you had done to this time. When the quarantine was placed, how long had your peanuts been planted? I see you had 32 acres.

A. They were practically made.

Q. And had been cultivated?

A. During the summer. I had cultivated them through and had them ready to harvest and couldn't get a permit to dig them. They were worked out. I had two teams cultivating in the summer whenever it was necessary. In addition to that I had a bunch of hands who worked about two weeks in there.

Q. I believe your claim is \$2490, is that right?

A. Yes, sir.

Q. One thousand seven hundred and fifty dollars for milk and the balance in crop?

A. Yes, sir. That price on that milk is low—they took the present yield, which was very low—for the reason that I would have had a whole lot more during the winter.

Mr. Carpenter:

Q. How many of the actual number of milk cows killed were producing milk at the time of the quarantine?

A. We were milking 35.

Q. How long would they have been in milk? How long before they would have gone completely dry?

A. We would get a quart or a half gallon.

Q. They would continue that through the quarantine period?

A. All of them would not. A few would have dried off, but I would have cows coming in.

Q. How many springers were killed?

A. I think I had 18.

Q. How long before they would be producing milk?

A. They would all give milk in the winter.

Q. When were they killed?

A. They were killed in the middle of September.

Q. You said you sold your milk in Galveston. What did it cost you to get it to Galveston? Who brought it there for you?

A. I think it cost us somewhere between twenty cents and twenty-five cents for 10 gallons.

Mr. Van Zandt: Might I ask this question, and I don't ask it in the sense of being personal? When did you first conceive the idea of putting in a claim for milk to the State government?

A. Well, I will tell you about that. It was some time before the cattle were killed. I will tell you why. There were five of us who had an injunction against taking our cattle. The Live Stock Commission men were here, and their job was to clean this up. The only way they knew how was to kill everything in sight, and we, of course, expected to get paid for our cows when we let them go.

Mr. Darrouzet: The truth about the matter is they told you you would be paid, didn't they?

A. Yes, sir, they told us that.

Mr. Carpenter:

Q. Did they pay you the fair market value of the cattle?

A. No, sir, I don't think they did.

Q. How much was the difference between the fair market value and the amount you actually got for them?

A. I got a little better than \$40.00, and paid \$55.00.

Q. What was the market value at that time? You might have bought them when they were high or low.

A. I did buy them a little high, because there were not many cattle to be had in here.

Mr. Van Zandt:

Q. Mr. Darrouzet suggested that they promised you would be paid for the loss of the milk. Who were "they?"

A. They didn't tell us directly that we would be paid for the loss of milk, but in talking this thing over about releasing our cattle they kind of intimated that.

Q. Who talked that way?

A. The representatives.

Mr. Darrouzet:

Q. The Live Stock Sanitary Commission of the State of Texas, wasn't it?

A. Yes, sir. Mr. Horstman was in charge. Mr. Ions was in his office in Houston.

Q. Did you at any time submit a claim for the loss of milk to the Live Stock Sanitary Commission?

A. No, sir.

Q. Did any other person to your knowledge file such a claim with the Live Stock Sanitary Commission at Fort Worth?

A. Well, I think they did.

Mr. Darrouzet: I will ask Mr. Cox this question: Mr. Cox, do you know of your own knowledge that there were such claims filed with the Live Stock Sanitary Commission?

Mr. Cox: Yes, sir.

Mr. Darrouzet: What was the average price per gallon for the milk claimed in those claims?

Mr. Cox: Thirty cents a gallon, including the cost.

Mr. Darrouzet: That was the average, though individuals made out several and sundry claims, did they not?

Mr. Cox: Yes, sir.

Mr. Darrouzet: What action was taken by the Live Stock Sanitary Commission on those claims?

Mr. Cox: They sent a man down here, a man by the name of Gilbert, and he went over those claims and made a report; but we never did know what that report was. That was about the end of their session.

Mr. DeWolfe: That was after the cattle had been killed and paid for?

Mr. Cox: Yes, sir. This claims committee was appointed by the people or dairymen of this county here at the time of the court proceeding. Mr. Murray, Mr. Leary and myself were appointed by the court to look after these dairymen's affairs, and these gentlemen came to us with their claims and we adjusted them according to what we thought was fair and right. Some of them were way up and some of them were down.

Mr. DeWolfe: After the court appointed you three gentlemen as kind of arbitrators, we will say, did you or any of you submit claims to the Live Stock Sanitary Commission?

Mr. Cox: Yes, sir.

Mr. DeWolfe: How did it come that you gentlemen, for and on behalf of this community, did not insist upon those claims being paid?

Mr. Darrouzet: I can tell you. The thing was submitted to the Live Stock Sanitary Commission, and they sent one or two men down here who made an investigation. One of these

men—Gilliam, I think—told me they had approved most of them. It was just about the time when Moody went into office and Mrs. Ferguson was going out, I think. Somebody went into office, and the old Sanitary Commission was removed and a new one was put in, and they have never been able to find the claims that were submitted to them.

Mr. Van Zandt: In other words, the old commission didn't turn the claims over?

Mr. Darrouzet: I am not imputing any possible motive, but that is a fact that the new Live Stock Commission at that time stated to me that they were unable to find them. Senator Holbrook and myself and Mrs. Moore did everything we possibly could to unearth the claims, but we were unable to find them.

Mr. Van Zandt: You didn't file them with the new commission?

Mr. Darrouzet: We didn't have them. In the meantime the Mainland Chamber of Commerce undertook to go to the Legislature.

Mr. Van Zandt: Direct to the Legislature?

Mr. Darrouzet: Yes, sir.

Mr. Van Zandt: Wasn't the Legislature following the quarantine? Didn't it, that is, the Fortieth, authorize the deficiency warrants of Mrs. Ferguson?

Mr. Darrouzet: For cattle only. These men have got no claims in here for cattle.

Mr. DeWolfe: At the time these cattle were appraised, was there any discussion, or was it taken into consideration in placing the value on them, as to the milk they might have produced? Was there an understanding that that would be a proper claim?

Mr. Darrouzet: I will answer that. It was done in this way. It was probably the only time in this county when the people on the Mainland wanted to run me into the ocean. We had joint debate after joint debate over this thing in the courthouse. These people were agitated. To save the Island of Galveston from being quarantined, I undertook a fight and opposed them fighting the matter and was told then by these people whom I was representing, first as a citizen, to keep the town from being quarantined and to try to keep law and order in force. I had been told by Ions and the rest of these people that the milk and crops would be paid for, and I tried to get them not to bring these

injunctions. We were in a serious situation. That is what happened and that is the position I took. That statement was made in the two or three joint discussions had in the courthouse. This was, however, prior to the filing of the law suit in which we tried to get these people to agree to follow the rules laid down by the Live Stock Sanitary Commission. In other words, we didn't want them to get the injunctions or seek the injunctions, because we felt if they did do that they would quarantine the island.

Mr. Van Zandt: In payment for the stock that were actually killed, was the value of the milk taken into consideration as part of the compensation for the death of the cattle?

Mr. Darrouzet: No, sir. Most of the cattle killed at that time were range cattle and not domestic. The domestic cattle were killed afterwards. This hoof-and-mouth disease broke loose in a lot of range cattle.

Mr. Van Zandt: I understood it broke loose up in Mr. Jacobs' fine herd.

Mr. Darrouzet: They were range cattle, not milk cattle. These people got caught in this on account of building the barrier where they found this one case and killing off those cattle. Those cattle were, for the most part, outside of the ranges.

Mr. Van Zandt: Did the Jacobs cattle use the common range with these people's cattle?

Mr. Darrouzet: I don't think so. I think the Jacobs' pasture has a fence around it.

Mr. Cox: Jacobs brought a Brahma bull from Mexico, and that is where this infection came from. It originally came from India. This was a registered, high-grade bull. It was refused entry here and certainly at Galveston, and I think at New York. Then they took him to Mexico and brought him in that way. That is the credited source of the infestation of this disease.

Mr. Brooks: Mr. Palmer, in asking questions about what you got for your cattle, it has a bearing on what you were asking for today. Mrs. Childs got \$35.00 for her cattle, Mr. Scruggs got \$46.00, and you got a little better than \$40.00. How did you arrive at the value of these cattle? Did you make a trade with the men who killed them?

A. Well, the Live Stock Commission had three men to come around and appraise the cattle.

Mr. Darrouzet: Judge Canty is here now and wants to go back to Galveston. Would you mind letting Mr. Palmer off a minute?

(The witness was withdrawn to permit Judge Canty to testify.)

Testimony of Hon. J. C. Canty

Mr. Darrouzet:

Q. You are presiding judge of the Tenth Judicial District Court of Galveston county?

A. Yes, sir.

Q. It was in your court that this suit was held in which you threatened to put the lawyers and everybody else in jail?

A. Yes, sir.

Q. Would you mind telling this Committee about it?

A. When the Jacobs' cattle were brought into this county the hoof-and-mouth disease developed among them and the State took charge. They quarantined large sections of Galveston county and, if I remember right, part of Brazoria county. The Federal government came in with them and they proceeded to kill the cattle right and left. There were outrages committed on the people in Galveston county that I don't believe have ever happened in the history of Texas before. In one instance, a man who had some hogs went to Galveston from his farm, and when he came home he found his wife lying on the floor. She had given birth to a child in that condition. The rangers had come in and shot the hogs and caused the trouble. I found that the Texas Commission would go up to a farm and ask for the cattle. If they were refused, they sent the rangers there. I found the rangers stuck a gun in your stomach and asked whether you were going to give up the cattle or not. I found they took the cattle whether they ought to be quarantined or not; that they took them promiscuously.

Mr. Van Zandt:

Q. You said "promiscuously." Do you mean without any conception of right or wrong?

A. None at all.

Q. That was evidence brought before you in your court?

A. Yes, sir.

Q. That was unmistakably shown in court?

A. Yes, sir, absolutely.

Q. Without the quarantine region?

A. Within the quarantine region. They would walk up to your farm. If you didn't give them your cattle, they would send rangers there and take them. They paid for nothing. The evidence showed that if you refused to give up the cattle they would tell you they would quarantine your farm and not let you off to buy groceries. They went even that far, the testimony showed. That wound up in a lawsuit. The farmers went to Stewart, Damiani & Harris, asking for a restraining order seeking to stop the killing of cattle. I granted the order. The Federal government threatened that if I didn't dismiss the restraining order they would quarantine Houston and Galveston. This led to a committee from Houston and Galveston meeting me in my chambers and arguing that I ought to release it; that it would destroy Houston and Galveston both. We had a conference for two hours, and I told them I believed the Federal government shouldn't quarantine. We had the case up for a week. It started on a Monday morning and wound up on a Saturday night. It wound up so simply, I thought it was a farce. It seems that at a meeting held in Houston these officials agreed that they would pay for the cattle. I found that the three members agreed among themselves they would keep that a secret. If they had paid for these cattle when they took them, the trouble would not have occurred. Had I known of this agreement, I would not have let the trial go on.

The Federal government put on the larger part of the testimony, showing the necessity for killing the cattle. They had an expert, a Dr. Cotton. On cross-examination by Mr. Stewart, it developed that he knew of no cure for the hoof-and-mouth disease. He admitted about 5 per cent of the cattle died that contracted it; that the remaining 95 per cent would eventually regain their weight and produce milk. It was brought out by Mr. Stewart that the only remedy was to kill the 95 per cent so as to kill the disease. Mr. Stewart brought out that at the Chicago Cattle Fair a valuable herd was found to have the hoof-and-mouth disease. He admitted they didn't kill these, giving as his ground the value of the cattle. They quarantined them and not a single head died.

I think it was national in scope, because I received letters from all

over the United States about this hoof-and-mouth disease. I learned that in Europe they never kill cattle having it; that milk was allowed to be sold in Germany, the only restriction being that they had to mark on the milk wagon that it was hoof-and-mouth disease milk; that the milk was of inferior quality; that the cattle would recover and become just as good producers as ever at the end of a month's time.

Mr. Brooks: Did the evidence show that if human beings used the milk from these herds it was detrimental to them?

A. Absolutely not. There wasn't a single bit of evidence introduced in the case to that effect, nor was there a letter that said it was dangerous to a human being.

Mr. Van Zandt:

Q. You said that it was brought out in court that a secret order had been issued by the Commission?

A. No. They agreed upon it among themselves to keep it secret.

Q. They agreed among themselves that these people should be paid for the cattle?

A. Yes, but not to tell anything about it. It was so silly I have never been able to understand it.

Q. In addition to that payment for the cattle, was there any presumption or any evidence on the part of the State or the Federal government that they were to pay also for the loss of milk?

A. That wasn't the case.

Q. They did not make that?

A. They had a standard price, as I understand it, of about \$30 a head. If you had pure-bred cattle, you would only get \$30; and if you had range cattle, you would still get \$30.

Q. In some instances they were paid more than that?

A. Very few. As a rule, the price hung around \$30. The remarkable fact about it was, that after we settled the case not a head of cattle died.

Q. There wasn't any evidence from either side that they were to claim, in addition to the value of the cattle, the loss of milk?

A. No. The injunction was based on the proposition of stopping them from killing the cattle.

Mr. Darrouzet: Judge, do you recall the position that Mr. Love and I took was solely and only to have these people to carry out the mandates of the Governor of the State at that

time? I am just saying that because Mr. Love is dead and he is not here to protect himself.

A. Mr. Darrouzet and Mr. Love admitted to me in my chambers that if they only lived up to their own law there would be no trouble.

Mr. Justiss: You did a wise thing when you granted that injunction.

A. I cured the hoof-and-mouth disease in Galveston county when I granted that injunction.

Mr. Van Zandt:

Q. Have they had a recurrence of it since?

A. No, sir. There was a veterinary doctor there telling me the death rate wasn't over 2 per cent, but Cotter stated it was 5 per cent.

Q. The affliction vanished like snow in the summer time?

A. Yes, sir.

Q. By the issuance of the injunction?

A. Yes, sir.

Q. Then the quarantine and its effects vanished like snow in the summer time?

A. Yes, sir.

Mr. Darrouzet: He threatened to put me in jail, for he was hell-bent on stopping the killing of the cattle.

Judge Canty: In my opinion, it was about the worst thing that ever happened in the county of Galveston. The evidence clearly proved that.

Mr. Darrouzet:

Q. You realized that the position we took in the matter was one of trying to save the ports?

A. Yes, sir.

Q. Mr. Love at Houston represented Houston, and I represented Galveston?

A. Yes, sir.

Mr. Van Zandt: In behalf of Mr. Darrouzet, who is my friend, I will make this mention: He did as he saw best a patriotic duty for the ports of Galveston and Houston.

Mr. Young: As a matter of fact, the grievances of these people to a great extent arose out of the valuation, or the proper valuation, of the dairy cattle? As a matter of fact, didn't that grow out of this situation somewhat: That the people who placed the valuation upon the cattle were those more acquainted with range cattle than dairy cattle, and that somewhat as a basis for the valuation the range price was placed

upon the dairy cattle, which had a far more intrinsic value?

A. That isn't a fact.

Mr. Justiss:

Q. Your case is the first one that brought out the fact there was an agreement to pay for the cattle?

A. Yes, among themselves.

Q. That was the first time it was brought out to the public?

A. Yes, sir. They got up and admitted the fact that they agreed among themselves they were going to pay for the cattle. If they told me that Monday morning, I wouldn't have tried the case. They saw I was going to make the injunction permanent.

(Testimony of J. A. Palmer resumed.)

Mr. Brooks:

Q. You were just going to answer the question I asked you as to how you arrived at the price of the cattle that you had killed. There were several different payments—one herd \$35.00, one herd \$45.00, and you about \$40.00. How did you arrive at the price?

A. Well, this Live Stock Committee set a price, I believe, twelve to fifteen dollars, and then we had a chance to go before this board in Houston, and by bringing proof of what the herd was earning and what they would earn; they increased the price up to what they paid us. For instance, I had a Jersey male. I bought him at \$125.00. They allowed me \$60.00.

Q. What did they offer you at first?

A. They offered me \$60.

Q. Did you try to get them to raise it?

A. I did.

Q. What did they say? They wouldn't raise it?

A. No, this appraising committee wouldn't raise it. They said it just looked like any other to them, and that is all they would allow on him, and when I took these papers up there to Houston that was taken into consideration and it was raised, the price on the cows was raised. At first, they made an offer of little better than range cattle.

Q. And you talked them up to a higher valuation?

A. Yes, sir.

Q. The lady over here that got \$35 just wasn't as good a trader as you, is that the idea?

A. I don't know anything about her case, but I know how mine worked out.

Q. I would think that, looking at the matter just as it is discussed here, she was not as good a trader as you.

A. Maybe she didn't go up there and talk to them. A lot of people just thought that was the end of it.

Q. I was just trying to get at the idea of whether the commission gave you a fair valuation for your cattle or tried to talk you out of it.

A. Tried to talk me out of it.

Q. When you first put in your claim, you made your claim \$3500?

A. Yes, sir.

Q. And you then later lowered it to \$2490. Why did you lower this claim?

Mr. Cox: I might say it was I who put that down. We scaled his down with the other prices.

Q. Being as that goes on record, I would like for Mr. Palmer to answer.

A. They cut the peanut crop over the State, as I understood. I raised them for a number of years, and previous to that I sold only about \$500 worth.

Q. Your claim was cut on your crop and not on your milk?

A. Both were cut.

Mr. Cox: I would say Mr. Palmer is the largest peanut raiser in our county.

Testimony of J. T. McGee.  
(Claim No. 123.)

Mr. Darrouzet:

Q. You are J. T. McGee?

A. Yes, sir.

Q. Your claim is No. 123?

A. Yes, sir.

Q. Is your claim for milk or what?

A. Milk and crops and horses.

Q. You had 44 cattle killed; your appraised value is \$1932.50; you had six milking cows and six springers, and were getting 15 gallons of milk per day?

A. Yes, sir.

Q. You live in Galveston county?

A. Yes, sir.

Q. Where?

A. A mile south of Algoa.

Q. Over on the Santa Fe?

A. Yes, sir.

Q. Did you file your claim with the Legislature through the Mainland Chamber of Commerce?

A. I did.

Q. Tell your story in your own words.

A. I don't remember just what year it was.

Q. I will ask you this: Was it during the hoof-and-mouth disease?

A. Yes, sir.

Q. During the quarantine in 1925 and 1926?

A. Yes, sir.

Q. Go ahead.

A. I started in to raise a bunch of cattle.

Q. Were there any of the cattle on your place that had the hoof-and-mouth disease?

A. Not that I know of.

Q. Did they kill your cattle?

A. I suppose they did. They took them away from there.

Q. This claim that you filed, have you been paid for?

A. Only for the cattle.

Q. Were you paid for any of the milk that you lost or the horses?

A. No, sir.

Q. Have you received any money at all other than the amount of money you received for your cows?

A. No.

Q. The money you got for your cattle, was that a fair price or not?

A. For some of them it was, and for some of them it wasn't.

Q. Your cattle were all dairy cattle?

A. Yes, sir.

Q. Did you have any range cattle?

A. No, sir.

Q. Did you have any calves?

A. Yes, sir.

Q. What did you have, common or what stock?

A. Dairy stock.

Q. Did you go back into the dairy business afterwards?

A. I did not.

Q. Why not?

A. Well, I didn't have money enough.

Q. The amount of money they gave you for your cattle wasn't sufficient for you to restock your dairy?

A. Only about half of it.

Q. Did they give you enough money to buy cattle of equal class and kind of producers to have carried on?

A. They did not.

Mr. Darrouzet: I will state that this man got up out of a sick bed to come here today.

Mr. Van Zandt:

Q. How long have you lived in this part of the country?

A. Thirteen years.

Q. You said they drove your cattle away?

A. Yes, sir.

Q. We have had it rumored to us that they drove them away and killed them and that some of the meat was eaten by the guards and rangers. Did you see any of that?

A. No, sir.

Mr. Cox: You might tell what happened to the horses.

Mr. Brooks:

Q. You have a claim now for horses?

A. Yes, sir.

Q. Is that claim in here?

Mr. Cox: It was put in with the first committee.

A. Mr. Cox here wrote my claim up at Arcadia, and it ought to be on record some place.

Mr. Brooks:

Q. Do you own your home?

A. Yes, sir.

Q. How long had you been owning it before the hoof-and-mouth disease?

A. I bought it the first of 1918.

Q. Did I understand you to say you were running a dairy?

A. No, sir, you did not. I was milking those cows and making use of the milk and making butter, feeding chickens and pigs, and making my living out of it.

Q. How large a family do you have?

A. Myself and wife and three children.

Q. On an average, how many cows did you need to milk for family use?

A. Well, just for home use a couple of cows would be sufficient. My children are grown, all three of them.

Q. During this time, how long preceding the hoof-and-mouth disease had you been milking six cows regularly?

A. Well, I don't know. Sometimes I milked as high as 8 or 9 or 10 at a time. Then they would go dry and others come in.

Q. You never sold any milk?

A. No, sir.

Q. What did your sales average per week on butter?

A. Well, about 3 or 3½ or 4 pounds a day off the number of cows that I



milked, and I realized 45 cents or 50 cents a pound for it.

Q. I just wanted to find out whether you were depending on dairying as part of your living.

A. I depended on those cows.

Q. Home consumption principally, wasn't it; was that true?

A. Yes, sir.

Mr. Van Zandt:

Q. Were your horses killed?

A. I don't know whether all of them were killed, but they drove away 13 head off my place when I wasn't at home, and I found it out later that they were put in Perry McFadden's pasture for safe keeping and they were there quite awhile. I wanted to use a team on the farm, and they would not permit me to bring them home. I called Dr. Horstman up in Galveston on the phone and told him I needed my horses and wanted him to return them, and he told me that my horses were in Arthur Moeller's pasture and were being well cared for. He said he would have Mr. Moeller return them in a few days, so I waited about two weeks and I went to Dr. Horstman and found he was in San Antonio, so my next step was to round Arthur Moeller up and find out what he done with my horses. He told me they were never in his pasture and he knew nothing about them.

Q. Did you ever investigate as to whether they were ever on McFadden's pasture or not?

A. Yes, sir. Mr. Will Flora had a lot of horses in McFadden's pasture, and when he went after his horses I instructed him to bring all of my horses that he could find, and he brought back six head.

Q. Then you had seven gone—lost, died or strayed away?

A. Yes, sir.

Q. You have never got any pay for those horses?

A. No, sir.

Q. You never did find out where they were?

A. No, sir.

Q. What kind of horses were they?

A. Young horses, well-bred horses.

Q. What were they worth a head then?

A. Well, all the way from \$50 to \$75. I had a couple of good brood mares that made a good team.

Q. Would \$50 a head satisfy you at that time?

A. All but the stallion. This stallion was a thoroughbred Percheron

that would weigh about 1500 pounds. They came there and cleaned up our barnyard and sprayed it with some kind of stuff and sprayed a barrel of feed that I had. I fed the horse that night and quartered him, and the next morning he was sick and before night he was dead. I put in a claim for that horse. They must have poisoned him.

Mr. Brooks: Mr. McGee, I don't want you to feel that this question I am going to ask you is discourteous. We just want to get the best ideas we can from you, because it is likely you couldn't come before the committee in Austin and tell us. Being that you were not dairying for a living, I will say, and that you were paid for your cattle, and it seems to have been a fairly decent price, what induced you to put in a claim for \$450 for milk?

A. That was my only resource for a living was the milk from those cows at that time.

Mr. DeWolfe: He was selling butter then. I don't see any difference between butter and milk.

Mr. Brooks: He said that his milk was principally for home consumption and not for sale.

Mr. Darrouzet: He said he was using the milk for chickens and to feed his pigs.

Mr. Justiss:

Q. Did you get your claim for that horse that died?

A. I did not.

Q. You put in a claim, but did not get it?

A. That is right.

Mr. Minor: May I ask why you eliminated your claim for horses?

Mr. Darrouzet: Because the Mainland Chamber of Commerce appointed a committee who carved all these claims down.

Mrs. Moore: You said that you sold, if I understood you correctly, some three to four pounds of butter a day at from 45 cents to 50 cents a pound?

A. Yes, ma'am.

Mr. Young:

Q. Regarding this horse claim. It has been my privilege to hear some claims made before committees of the Legislature on horses heretofore. There was an attorney, or there were two attorneys, I believe it was, who came up there two or four years ago on the horse claims. I wonder if your

claim was in that group we heard. Have you turned your claim over to anyone to collect for you regarding the horses?

A. The Chamber of Commerce.

Q. Only through them?

A. Yes, sir.

Q. Were your horses among the group that they carried off here in some pasture and held there without water and grass and thereby killed many of them?

A. I couldn't say. I never saw my horses after they took them away, only what Mr. Flora took back.

Q. Other than with the Chamber of Commerce, you have no claim for your horses?

A. No, sir.

Mr. Nessler: All claims for live-stock were kept out of this. I believe that is one reason it was defeated two years ago.

(Adjourned for lunch.)

#### Afternoon Session.

Mr. Darrouzet: Mr. Chairman, I want to testify now. I am ready to be sworn if you want me to be sworn. My testimony is this in just a few words to keep the record straight: I am a member of the Mainland Chamber of Commerce. I am chairman of the committee on traffic and legislative affairs, and neither my office nor myself will get one nickel out of these claims. We have no contract for fee and have no promise of pay and will not accept any pay. I am not charging any fee, and the Mainland Chamber of Commerce is not getting any fee and isn't charging any fee and doesn't want any fee.

#### Testimony of Chris Hillerman.

Mr. Darrouzet:

Q. You are Chris Hillerman?

A. Yes, sir.

Q. How long have you lived in Galveston county?

A. I have lived here all my life.

Q. Were you here during the hoof-and-mouth disease?

A. Yes, sir.

Q. Were you here when they were killing the cattle?

A. Yes, sir.

Q. What office did you hold?

A. I was working in the disinfectant camp in McFadden's pasture on Dickinson Bayou.

Q. Was that where most of the cattle were slaughtered?

A. Yes, sir.

Q. Is it or is it not a fact that the people around here ate the meat?

A. Yes, sir.

Q. Did you eat any of it?

A. Yes, I had some myself.

Mr. Carpenter: You mean the neighbors or the people in the camp?

Mr. Darrouzet:

Q. The officers ate it?

A. Yes, sir.

Q. And the rangers and the guards?

A. Yes, sir.

Q. And the people put there by the Live Stock Commission and the Federal government?

A. Yes, sir. We all ate it.

#### Testimony of D. W. Burns.

Mr. Darrouzet:

Q. Your name is D. W. Burns?

A. Yes, sir.

Q. You live in Galveston county?

A. Yes, sir.

Q. Have you lived here a long time?

A. Eighteen years.

Q. Do you remember the wild debates that were had about this hoof-and-mouth disease between several lawyers and myself at several mass meetings?

A. Yes, sir.

Q. Do you recall the position that I took?

A. Yes, sir.

Q. Will you tell the committee what that position was?

A. Mr. Darrouzet told us people not to be too hasty in filing injunctions against the Live Stock Sanitary Commission; that he would stay with us then and after.

Q. Do you recall the night when they were standing in the windows of the courthouse and my motion got one vote, and that was yours, and all the rest voted against me, that the statement was made then, while the inspectors were in the room, that these people would get paid for all the property they lost?

A. Yes, sir.

Q. Do you recall I made that statement?

A. Yes, sir.

Q. Do you recall at the time that the inspectors were in the room when I made the statement?

A. Yes, sir.

Q. That was the night I got one vote?

A. Yes, sir.

Mr. Carpenter: Who authorized you to make the statement, Mr. Darrouzet?

Mr. Darrouzet: The people in charge of the fight.

Mr. Carpenter: Were they officials or just employes?

Mr. Darrouzet: They were in charge of the fight.

Mr. Carpenter: You were representing them?

Mr. Darrouzet: No, sir, I wasn't representing them. As I said this morning to Mr. Van Zandt, the officials had threatened that if this injunction was sought, if these people did not stop the fight, they would quarantine these ports. It was then that I was employed, not by these people, but by the Port Service Commissioners down in our county, the Maritime Association, and the local Chamber of Commerce to intervene in the case.

Testimony of M. D. McLendon.  
(Claim No. 185.)

Mr. Darrouzet:

Q. Your name is M. D. McLendon?

A. Yes, sir.

Q. You live at Genoa?

A. Yes, sir.

Q. You filed a claim here, No. 185—cattle killed, 174; appraised value, \$9500; milking 125 gallons; 30 springers?

A. Two hundred eighty gallons of milk, I believe; that is, when they killed them.

Q. You filed that claim?

A. Yes, sir.

Q. Filed it through the Mainland Chamber of Commerce?

A. Yes, sir.

Q. Just tell your story.

A. I was running a dairy, and I was selling the milk at 40 cents a gallon. I sold to restaurants and stores, so when the foot-and-mouth disease hit me it cut me right off. I couldn't deliver a gallon of milk, so they promised me if I would give up my cattle they would pay the damages, whatever it might be, so I finally gave up and let them take my cattle. They came one Sunday morning. They said: "If you will give up your cattle, you will get paid for damages." I couldn't sell my milk. I hardly got enough to pay for the feed, so they took my cattle away

from me and I couldn't go back to business for over six months or nearly 12 months. We put on some at six months. It just cleaned us up over night.

Mr. DeWolfe:

Q. You got not quite \$55 a head for your cattle, isn't that correct?

A. Yes, sir.

Q. What did they consist of?

A. Some heifers and the other ones were mostly dairy cattle.

Q. Does your claim here consist of anything besides a claim for milk, or is there feed involved?

A. No feed involved, only milk. I had some hay lands. I was grazing on them. I had to pay the lease on them, but I didn't get paid anything for damages.

Mr. Brooks: You are asking for that \$500 back in your claim?

A. Yes, sir.

Mr. DeWolfe:

Q. What did you put in your claim? What was the amount of your claim per head for the cattle?

A. I just figured up the amount of milk I was getting.

Q. I am talking about the cattle. They paid you nearly \$55 a head. What did you claim they were worth?

A. I refused \$150 a head for 12 head just a short time before that. I had cows giving five or six gallons of milk.

Q. You never did answer my question yet. What amount of claim did you put in for your cattle to this Board of Appraisers?

A. One hundred fifty dollars a round. And after they passed on them I told them if they would let me take 12 head back they could deduct \$300 for them; that they wouldn't have to pay one dollar for them, and they wouldn't even do that. I never had any trouble there; my cattle were isolated from everybody's. When the foot-and-mouth disease come back the second time they didn't take my cattle.

Mr. Carpenter:

Q. Some of them were in the same pasture with the others?

A. I bought and restocked a year after that, and then when the foot-and-mouth disease came back again they didn't bother my cattle and they are still in there yet.

Q. They cleaned you out the first time?

A. Yes, sir.

Q. How long were you without any cows at all?

A. They wouldn't let me put on but one for six months. We put on a few for tests.

Q. What time of the year was it?

A. I don't remember. I think it was about spring—May, June, or July.

Q. What time were your cattle killed?

A. In September, I believe.

Q. What did you have to pay for the cattle?

A. I had some I paid \$140 for. I had been raising these cattle and bringing them up for milk for years. I had some that would give six gallons of milk, Jerseys; and I have not been able to buy any since that would give that amount.

Mr. Brooks:

Q. Mr. McLendon, you were in the dairy business quite extensively, were you; and were your cattle here dairy cattle?

A. Yes, sir.

Q. What breed?

A. Jerseys and Holsteins.

Q. You say you have been breeding especially for milk for a period of 12 years?

A. Yes, sir.

Q. How many register-of-merit cows did you produce during that time?

A. I didn't have registered cows.

Q. No registered cattle?

A. No, sir, because from the graded cows I got more milk than the registered ones. I was after quantity not quality.

Q. You proved, then, to yourself, that you got more milk from unregistered than registered cows?

A. Yes, sir. The registered gave the richest milk, but the graded gave more.

Q. How much grazing land do you own?

A. What I have leased is nearly a thousand acres.

Mr. Carpenter: Did you have that much leased then?

A. Yes, sir.

Mr. Brooks:

Q. In milking, how many men did you have to hire?

A. I was working seven men.

Q. And you think the price you received wasn't enough for your herd of cattle?

A. No, sir.

Q. You know the gentleman here this morning, or two of them, said, I believe, the best cows they could buy in this country cost them \$55 and they sold at \$40, or around \$40, and figured they had to take too little, because they had to pay back \$55 for good cattle.

A. I don't know where they could get any milk cows for \$55. I haven't got any yet.

Q. You didn't go out of this country to replace your herd?

A. No, sir. I bought them in the county, what I bought.

Q. There are counties, you know, where they raise registered cattle. Almost everybody that has a dairy really breeds register-of-merit cattle?

A. I bred to get the quantity.

Q. The price of all milk is based on butter-fat, isn't it?

A. When you sell to a creamery, it is; but when you sell over the route, it isn't.

Mr. Van Zandt: You sold over the route?

A. Yes, sir. I didn't retail. I sold to stores and restaurants.

Mr. Carpenter: You never manufactured any butter?

A. No, sir, very little butter.

Mr. Brooks:

Q. Did you go back into the dairy business as extensively after as you were before?

A. No, sir.

Q. You have never done it?

A. No, sir.

Q. Did you have any particular reason?

A. Well, the first was, I didn't get enough money out of it to go back. I didn't get half what my cattle were worth.

Q. I don't know how to arrive at the value of those cattle unless I know the merit of those milk producers—how many heifers you had, how many calves—because we don't know unless we get from you the amount you had. We would just have to charge according to whether that value was right or wrong.

A. I had very few cows that didn't give over four gallons of milk.

Q. Do you mean all of the 174 head would give practically four gallons of milk?

A. When they were fresh, they would very, very seldom give less than four gallons.

Q. Out of the 174 head?

A. Yes, sir.

Q. You didn't try to raise calves?

A. Yes, sir, I raised calves.

Q. It would seem that out of 174 head, if a man was raising heifers he would have a lot of young stock and they would not give four gallons.

A. You raise from your best milkers.

Q. What percentage would you think among that 174 would be heifers one and two years old?

A. About 25 per cent.

Q. Twenty-five per cent one year old?

A. Yes, sir.

Q. Then 25 per cent two years old?

A. Yes, sir, when we raise them.

Q. That would bring you down to about 80 milkers on an average of 25 per cent one year old and 25 per cent two years old? You would have about that; it would bring it down to 80?

A. You do not understand. Sometimes we raise one to be a milk cow and we sell her.

Q. When you would sell these cattle probably you would sell a good many a year. What did you average in price, say, the year before in 1923 and 1924?

A. I sold some for as high as \$70, \$72 and \$73 for beef. We got 5 cents for them and they would weigh over a thousand pounds.

Q. Dairy cattle, as a rule, don't do that?

A. I have some now that do.

Q. Not all?

A. No, not all.

Q. Are you mixing your breed, or using Holstein bulls with your Jersey cows, or vice versa?

A. I use Jerseys with Holstein cows.

Q. Jersey bulls with Holstein cows?

A. Yes, sir.

Mr. Carpenter:

Q. At the time of the actual killing of this stock, how many were giving milk?

A. About 125. I had 174. You see we can't keep them all milking. We have them going in and out all the time.

Q. How many yearlings and heifers did you have at that time?

A. I had very few small ones. They were nearly all grown and raised at the time. Sometimes we saved very few. We sell them instead of raising the heifers.

Q. How did you estimate the value of that hay?

A. I had to pay the lease.

Mr. Brooks: That was leased land that he had to pay for.

Mr. Carpenter:

Q. Didn't you use some of it?

A. Only part of it. We didn't get the benefit of it any more.

Q. The grass was growing all the year?

A. Yes, sir. The last year part of it I didn't get to pasture at all. It was across the railroad. They told me not to turn the cattle in.

Q. You paid \$500 for the whole lease?

A. About \$625 for each year.

Q. You got to use it the first year for over half the year?

A. Yes, sir, and the last year I did not use any part of the 400 acres.

Q. You didn't expect to make hay out of it?

A. No, sir, just grazing. We put up hay sometimes.

Q. When did you get to using it the second year?

A. We didn't get to use it, because I was holding back until after the hot weather, and then the foot-and-mouth disease come and they told me not to turn them on. I had to cross the interurban road.

Q. All this leased land was across the interurban?

A. No, not the 400 acres.

Q. You had the use of 600 acres?

A. Yes, sir.

Mr. Brooks:

Q. What does General Wolters get for his land in leasing? Does he lease by the acre?

A. No, he just leases it so much a year.

Q. So much per acre?

A. No.

Q. Just in a body?

A. Yes, sir.

Testimony of G. H. Youngblood

Mr. Darrouzet:

Q. Your name is G. H. Youngblood?

A. Yes, sir.

Q. You live in Galveston county?

A. Yes, sir.

Q. You put your claim in through the Mainland Chamber of Commerce?

A. Yes, sir.

Q. You live at Arcadia?

A. Yes, sir.

Q. You live on what side of the track?

A. I live on the south side at the present time, but I was living on the north side in 1925.

Q. You put in a claim here for 44 cattle killed?

A. Yes, sir.

Q. Appraised value \$1850?

A. Yes, sir.

Q. Sixteen milking?

A. Yes, sir.

Q. Twelve springers?

A. Yes, sir.

Q. Thirty-five gallons of milk per day?

A. Yes, sir.

Q. That is your claim?

A. Yes, sir.

Q. Tell your story.

A. Well—

Mr. Van Zandt:

Q. What we want to know is just how they went about it, the human side of it—what were the results; were they very polite?

A. They were with me polite enough when they came to me and asked me about taking the cows. I asked them how about the pay. They told me there would be no doubt about it but what the State would pay; that they wouldn't take anything unless they paid for it. At that time they were not taking any cows right near me, so they did not molest my cows until there was a steer reported on the Benson farm on Dickinson Bayou. Then is when my stock was taken.

Q. What time of the year was this?

A. I can't recall. I would judge somewhere right in the latter days of September. They took my cows on the fourth day of October on a Sunday morning. They placed me under quarantine with 44 head of cows on five acres of ground, so I had nothing else to do but to throw up my hands and leave them go. I couldn't get any feed in. No hay was allowed in.

Mr. Carpenter:

Q. You had them running at large? You did not have them in a pasture?

A. No, sir, they were running at large.

Mr. DeWolfe:

Q. They paid you a little over \$42 a head for your cattle?

A. Yes, sir.

Q. Was that a fair price?

A. Really, it wasn't for what I had to give back, but I didn't raise any complaints in respect to it.

Q. You considered it from that standpoint; that it was a reasonable price?

A. I did for the cows, but I didn't for what the cows were producing.

Mr. Carpenter:

Q. You would consider the value received a reasonable value at a forced sale?

A. I would by reason of me losing one-third and the State paying one-third and the Federal government one-third. I would have to sacrifice something like one-third of the value of the stock.

Mr. DeWolfe:

Q. Was there any discussion between you at that time and these authorities as to the value of the milk?

A. No, sir.

Q. That wasn't mentioned?

A. No, sir. I asked them when they took them—Dr. Williams accompanied them. I told him: "Dr. Williams, you are leaving me stripped. I have a wife and five children and no visible means of making any support." He said: "You can get your money in ten days." They were going to pay the farmers for their stock, in order to get them to give them up—if we would release. The ten days come, and they didn't pay. In February after October, I got my deficiency warrant, and the next October the State paid.

Q. When did you get your money from the Federal government?

A. I got it somewhere in the middle of January.

Q. Do you have any claim here other than for the milk?

A. No, sir.

Mr. Carpenter:

Q. That was your sole means of support, the cattle?

A. Yes, sir.

Q. What breed were they?

A. We had Jersey cows, mixed cows.

Q. How many Jerseys did you have?

A. They were all of Jersey offspring; graded, no registered cows.

Mr. Justiss: When they killed the cattle, did they lead you to believe they would pay for anything else?

A. They didn't lead me to believe anything more than they would pay

me a fair price. I asked them what I was going to do. I was under quarantine, and they told me I would be reimbursed for all that.

Mr. DeWolfe: For all your damages?

A. I mean they told me I would be allowed damages.

Mr. Brooks:

Q. Did you own your farm or not at that time?

A. No, sir.

Q. Could you have taken your money and moved out of the quarantine and been as well off as the average citizen?

A. No, sir.

Q. Why didn't you move out of this quarantine when you got your money there? You had no home and your visible means of support was gone. Why didn't you move out of this quarantine to some other county?

A. I didn't see any chance to get my labor if I left there.

Q. Did I understand you to say you would get remuneration for your time that you lost?

A. Yes, sir.

Q. You figured you could go back into the dairy business and they would pay you for the time you were out?

A. Yes, sir. I took my deficiency warrant and bought 11 cows.

Q. These were producing cows you bought?

A. Yes, sir.

Q. What did you pay for them?

A. I paid \$60.

Q. Sixty dollars a head?

A. Yes, sir.

Q. You got \$45?

A. Yes, sir.

Q. If you had bought with that 11 head of cattle five calves, what would the calves have cost you?

A. Well, they run differently.

Q. Five dollars to ten dollars?

A. No. Anywhere from \$18 to \$20.

Q. Calves?

A. That is what we call three- or four-month-old calves.

Q. And not registered cattle?

A. No, sir, not registered stock.

Q. If you had bought these calves with the cows, would it have brought the price down to an average of \$45?

A. That depends on whether a man would want to sell or whether you were trying to buy. You know, sometimes when a person wants to sell he would sell cheaper than if you were trying to buy. If you were

trying to buy, he would ask his price.

Q. Did you ever tell your neighbors you believed some folks were getting more money than they ought to be paid?

A. No, sir, I never did.

Mr. DeWolfe: About buying this other stock, it would depend upon the grade of the stock?

A. Yes, sir. I bought 30 head. They were bought in a year. I bought 9 and I paid \$60 for them. The cattle raised in this country will stand this country much better than cattle shipped in.

Mr. Justiss: You bought nine or eleven cows?

A. I put the deficiency warrant up and bought eleven cows by putting them up as collateral. Then when the State paid in October, I bought thirty more by using the cows that I had and the ones I had raised. I put them up as collateral and bought thirty more.

Mr. Brooks:

Q. Do you know or could you give any reason why people in this country had never developed any registered cattle? Is this a tick-infested country?

A. Yes, sir.

Q. Still so?

A. Yes, sir.

Q. Is that the reason?

A. That is one reason.

Q. What is the other?

A. Not being able.

Q. Where they have a dairy center, as this seems to be, registered cattle are not so high?

A. I don't know, sir. I was offered one at Temple out of the Scott & White herd for \$250.

Q. There is no use for me to go into that, because I go to little county fairs all over my county. I see register-of-merit cattle put up for sale and their calves. They bring quite a fancy price; but ordinary Jersey cattle from fine breeding don't demand such a high price?

A. Yes, they will if you bring them to this country, because the loss will be so heavy it will bring the price of the others up. Ninety per cent of them will die.

Q. You could bring free cattle into this country and 90% would die?

A. Yes, sir.

Q. Lots of people raise registered cattle that are not so high?

A. I had a brother-in-law who sold me one for \$100. He didn't have any market for his stock. We are

sitting here between Houston and Galveston in this low country.

Q. What we are trying to get at is, if you receive enough money from the sale of your cattle, there won't be such a great loss in what would have been produced to you?

A. For six months I wasn't allowed to put in anything.

Q. How far would you have had to move to where you would have gotten away from the quarantine?

A. They would have had to pay me before I could move, and then I don't know how far away I would have to go; possibly above Houston.

Mr. Darrouzet: Then you were not paid?

A. No, sir.

Mr. Brooks:

Q. I am getting at this idea: That when a fellow makes a crop and he loses it, when the time of the year comes for him to harvest it, if he has nothing on his place he moves on to another farm. I want to get the attitude of why a man would be willing to sit in one place with his family.

A. Let me ask you one question. Why is it that the people in a drouth-stricken area don't move? (Laughter and applause.)

Q. Boy, I know hundreds of them that move right in my county.

Mr. Carpenter: During that quarantine would they have allowed them to use wagons and to carry things out?

A. Not without a permit and being sprayed.

Mr. Van Zandt:

Q. You stated you were promised the money in 10 days?

A. Yes, sir, by the State.

Q. You expected that to come to you every day?

A. Up until the 10 days, and then I didn't expect it any more until I saw it. (Laughter.)

Mr. Darrouzet:

Q. How long have you lived in this county?

A. Twelve years the 5th of last July.

Q. You raised children in this county?

A. Yes, sir.

Q. They have got their friends and everything around the place?

A. Yes, sir.

Q. You have got all your affiliations around there and everything else?

A. Yes, sir.

Q. It is pretty hard for a man of your age with your children to be moving around?

A. Yes, sir.

Q. The fact of the matter is they would not let you move out if you wanted to, would they?

A. I didn't ask any questions about moving.

Q. Weren't they spraying automobiles around here for hoof-and-mouth disease?

A. Yes, sir, they absolutely were. They were spraying and wiping shoes off.

Q. You will recall when I went up to Alta Loma one day they sprayed me, didn't they?

A. Yes.

Mr. Brooks: All these questions are just to bring out every detail that we can.

A. I was left without a thing.

Testimony of Mrs. E. H. Albright.  
(Claim No. 83.)

Mr. Darrouzet:

Q. You are Mrs. E. H. Albright?

A. Yes, sir.

Q. Where do you live?

A. Arcadia.

Q. That is in Galveston County?

A. Yes, sir.

Q. On the north side of the track?

A. South side.

Q. You had 67 cattle killed?

A. Yes, sir.

Q. You had an appraised value of \$3002.75?

A. Yes, sir.

Q. Fifty-seven milking?

A. Yes, sir.

Q. Twenty-five springers?

A. Yes, sir.

Q. Fifty gallons of milk a day?

A. Yes, sir.

Q. Senator Holbrook is your friend?

A. Yes, sir, he certainly is.

Q. You have sat down there all morning. You know what these gentlemen want. Go ahead and tell them in your own way. Tell them what they did to you.

A. When the Sanitary Commission come out to my place they looked at my cattle and said: "We are going to take your cattle." I said: "You can't take my cattle. They don't belong to me." He said: "Why?" I said: "They don't belong to me; they be-



long to the bank." Two months before, I got two boys burned in an explosion, and one was so badly burned he was in the hospital, and I had to borrow money, \$1500 from the Texas City Bank on my cattle what I have raised myself. I put every five cents I had in cattle to get a start, and 23 head I just had bought a month before that from Mr. Browning. I had bought my home, and I was already two months back with the payment of my home, and here they come in and says: "We want your cattle." They said: "You have the disease." I said: "I have not." I says: "You will have to pay me. You can't take my cattle." I says: "You can't take those cattle. They don't belong to me. They belong to the bank, because they are not paid for." They got pistols in their pockets and said: "We will take them. We won't even appraise them." I said: "I want them appraised." I said: "You ring Mr. Browning from Alvin and the Texas City Bank and ask them to look those cattle over." He said: "We don't care nothing for the banks. We will take them." I said: "They have no disease." He said: "You have one cow that is diseased." I said: "There is no disease in that cow." There was something the matter with her foot where she had hurt it. I said: "She looked like she stepped on something and it is rather sore. It is no disease." He said: "Look and see." Well, I touched it and looked at it. It had no disease. Well, they had me right there. Dr. Horstman come. They rounded up the cattle. They estimated none of the cattle. I had 15 young head—I am telling the God's honest truth—from two months up to seven months, and they never give me five cents for them. Now, what about that? That is the truth. I am telling you the God's honest truth. I am not telling you anything else. When they got through they drove them off. They throwed the paper at me. They didn't even hand it to me. They throwed it at my feet. They said: "Give that to the bank." The bank wasn't yet paid for the amount of money that I owed. I gave that to the Texas City Bank. That was before June. I think he got his money then. Mr. Browning said he would wait for his money. I had to pay three hundred and some odd dollars on the cattle myself for interest. I had to work until I got a little bit together.

I had three haystacks out there, hay and sorghum. Do you know what

they done? There was no cattle went out there in that field. They burned the haystacks up. I had hay, 30 tons, in my barn. They hauled it out and burned it. They burned my harness there. I had 300 chickens. They put alkali or something around there that killed every one of them. It was some poison, and they were not satisfied with that. Mr. Salzman right here, at present constable of Dickinson, can tell you what they done at my place. It was a sin and a shame. We couldn't even go out there to dig one sweet potato. We were drove off with a shotgun. I had some pear trees loaded with pears. They shook the pears down on the ground off the trees and left them laying there. We were two days without anything to eat in the place. They didn't give us even as much as a mouthful. We were done shamefully down there; that is the truth.

We were up against it. We were eight months back with the house pay. I went to Senator Holbrook and asked him if he could help me so I could pay a little interest on those cattle. They were squeezing me so heavy and hard, so he got me six hundred and some odd dollars for the hay I lost. That didn't pay for half of it. The 15 head of cattle I never got paid for. They shot one of my mules. I guess they wanted to shoot me, but shot the mule dead instead (laughter). That is the truth. I tried to get up there to the Legislature myself, but they wouldn't let me.

Mr. Van Zandt: Who wouldn't let you?

A. I don't know, but they tried to keep me from going up there. Senator Holbrook was mighty good to us. I know he can do a whole lot for us. He has been good to me.

Mr. Darrouzet: He has been good to you?

A. He has been good to me. I went right down to his house to ask his wife to thank him for what he has done for me.

Mr. DeWolfe:

Q. Did you lose 90 head of cattle in all instead of 67?

A. Yes, sir.

Q. Did they ever give you any reason for not paying for them?

A. They didn't give me no time; just drove them out and shot them. I had a male I paid \$350 for, a Holstein male. Do you know what they

give me for that male? Thirty-five dollars. Now, what do you think of that?

Q. You mentioned a while ago that you had just purchased 23 head.

A. Yes, sir, from Mr. Browning at the State Bank at Alvin.

Q. What did you pay him a head?

A. Sixty-five dollars a head.

Q. They were milk cows?

A. Yes, sir, everyone was milking.

Q. These 23 they didn't pay you for were calves from two to seven months?

A. From two months old to six months.

Q. They paid you about \$45 a head?

A. No; \$30 a head is the way I figured it.

Q. Forty-five dollars a head for the 67 head?

A. No, sir, some places \$25 and \$30. I couldn't tell you what they give.

Q. Did they pay you \$3002.75 for all of them?

A. Yes, sir.

Q. That is an average of \$45?

A. There were two males in that, one a Holstein male.

Q. Were you paid for some hay or sorghum?

A. For some sorghum and hay. I didn't ever get paid for the chickens. That is \$300 alone.

Mr. Darrouzet:

Q. How long have you been living in this county?

A. All my life.

Q. You wouldn't want to tell how long, would you?

A. I don't know why I should not tell.

Mr. Van Zandt:

Q. Did you get the check or warrant from the State?

A. No, sir.

Q. The bank over at Texas City got it?

A. Yes, sir.

Q. And paid themselves first?

A. Yes, sir.

Q. Was there anything left for you?

A. No, sir, not even a nickel.

Q. Mr. Browning, did he get his check?

A. Yes, sir, he got his about a year after that.

Q. Did he give you any money out of that?

A. Didn't you hear me tell you I

still had to pay three hundred and some odd dollars for the interest?

Q. Then you got not one red cent?

A. No, sir.

Q. Except the \$600 Senator Holbrook got you?

A. Yes, sir.

Q. In addition to not getting any money you had to dig up out of your own pocket three hundred and some odd dollars?

A. Yes, sir.

Mr. Darrouzet: I would like to make a statement right here. I want to personally commend Mr. Browning to this Committee. He certainly has been these folks' friend. I do not want you to think he has taken these people's money.

A. (Continuing.) They sprayed my house and ruined all my furniture. I spoke to Senator Holbrook about what they done. All the front room furniture and my rugs were burned from the acid. I taken them up about a month after that and burned them up.

Mr. Brooks:

Q. Were these the rangers that did this destroying?

A. One fellow by the name of Dr. Horstman. I forget who the others were.

Q. Did this doctor carry his gun in his pocket?

A. Yes, sir, all the time.

Testimony of Mrs. Mary McClain  
(Claim No. 135)

Mr. Darrouzet:

Q. State your name, please.

A. Mrs. Mary McClain.

Q. Did you file your claim through the Mainland Chamber of Commerce?

A. Yes, sir.

Q. Your claim is No. 135?

A. Yes, sir.

Q. You had 35 cattle killed?

A. Yes, sir.

Q. Appraised value was \$2100?

A. Yes, sir.

Q. Twenty-four milkers?

A. Yes, sir.

Q. No springers?

A. No, sir.

Q. And you were getting 45 gallons of milk a day?

A. Yes, sir.

Q. That is your claim?

A. Yes, sir.

Q. You have been living in and about this country for a long time?

A. Yes, sir, 28 years.

Q. You have heard the rest of them testify. Now, go ahead and tell your story to the Committee.

A. We were quarantined. We were not allowed to sell our milk. We were not living where our cattle were, but we went to this place to do our milking twice daily. We had just in the springtime moved our barn and bought this place and gone to considerable expense and expected the cattle to pay this debt for us.

Q. You lost everything?

A. Yes, sir, and when they stopped our dairy route that Saturday morning they took from us all we had coming in. We had nothing to live on.

Mr. DeWolfe:

Q. They paid you \$60 a head?

A. Yes, sir.

Q. What grade of milk cows were they?

A. We didn't have anything but good cattle. We had been exchanging for registered cattle. We had nothing but comparatively young cattle. We had but one cow over six years old.

Mr. Brooks:

Q. They appraised them on Saturday morning. Did you try to make them go higher?

A. Yes, sir. Mr. McClain held them on for three weeks.

Q. They didn't offer you \$60 to start with, did they?

A. I don't remember.

Q. I am just wondering why they made a difference in prices.

A. We had good stock. The doctor who came in there and examined our place said they were good stock. Dr. Ions said: "We have taken everybody else's. We will have to take yours."

Mr. Wiggs: Are you a widow woman?

A. No, sir, but I done the work. I worked hard to help raise those cows we had.

Mr. DeWolfe: Would \$60 have been a fair price for your cattle under forced sale?

A. No, sir. We had cattle we paid \$150 for. We had a cow that was fresh that Dr. William States Jacobs had tried twice to buy and \$150 wouldn't touch her. All the rest were as good as she was.

Q. Do you have a claim for anything other than milk?

A. No, sir.

Q. Hay or feedstuff?

A. We had hay and we were paying for pasture land. We had 400 bales.

Q. Your hay was paid for?

A. It was up in the barn.

Q. Was it destroyed, or did it remain there?

A. It remained there in the barn.

Q. Later you were able to use it?

A. No, we were able to sell it. We had to make payments on our place.

Q. Did they destroy your hay?

A. No, we sold it for what we paid for it by holding it about a year or two. We didn't lose the hay, but we used the money we had invested in the 400 bales. The man from Fort Worth who killed the cattle said mine was the nicest herd of cows that they killed.

Mr. Carpenter: Did you afterwards restock your dairy?

A. No, sir, we took this money and paid the debt on our place.

Testimony of Mrs. W. M. McPeters  
(Claim No. 56)

Mr. Darrouzet:

Q. You are Mrs. W. M. McPeters?

A. Yes, sir.

Q. Where do you live?

A. Arcadia.

Q. Galveston County?

A. Yes, sir.

Q. How long have you lived here?

A. Ten years.

Q. Your claim is number 57?

A. Fifty-six.

Q. You filed your claim through the Mainland Chamber of Commerce?

A. Yes, sir.

Q. Did you have a claim here for cattle killed, 27; appraised value, \$1000; milking 15 cows; springers, five; and getting 28 gallons of milk a day?

A. Yes, sir.

Q. That is your claim, is it?

A. Yes, sir.

Q. Just tell your story, or would you rather they would ask questions?

A. Yes, sir.

Mr. Carpenter: What period of time does your claim cover, how many months?

Mr. Young: One hundred and eighty days.

Mr. DeWolfe:

Q. Mrs. McPeters, you were paid for the stock that was destroyed a little over \$30 a head?

A. Yes, sir.

Q. Did you consider that a fair price?

A. No, sir.

Q. What do you consider would have been a fair price for your stock?

A. Well, the cows killed would have been worth that much, \$1000, 20 head of milk cows at \$50 a head. Some of them I paid more than that for.

Q. Did you have any calves?

A. Yes, sir.

Q. How many?

A. Well, I had 10 calves. They didn't consider them at all.

Q. You were not paid for those?

A. No, sir. They were from five months to three months old.

Q. Were they all heifer calves?

A. Yes, sir.

Q. They did not appraise them?

A. No, sir.

Q. These figures shown here are the figures upon which the State and Federal government paid you?

A. Yes, sir.

Q. Then you did have 10 calves in excess of that number mentioned in this claim?

A. Yes, sir.

Q. What do you consider the value of those, Mrs. McPeters?

A. Well, I should think they would be worth \$300.

Mr. Van Zandt:

Q. A piece?

A. No, sir, for the bunch.

Q. Thirty dollars is about what you got for some of the milk cows?

A. Yes, sir.

Q. Do you recall why they did not include these 10 calves?

A. They said they were not worth anything. They give me what they could afford to pay. I didn't have any way to keep them, so I had to let them take them.

Mr. DeWolfe:

Q. Did I understand that if you had a place to put them they would not take them?

A. They would have taken them, I think; but I argued with them to save them.

Q. In other words, they had you quarantined so you could not take care of them if you wanted to?

A. No, sir.

Q. Do you have any claim in here for anything other than milk?

A. No, sir.

Mr. Van Zandt:

Q. Did you have any of this stock mortgaged?

A. Yes, sir, they were all mortgaged. We were buying them on time.

Q. Whom did you buy them from?

A. Mr. Centell.

Q. What did you pay him?

A. Fifty dollars a head.

Q. That was the 20 head of milkers that you paid \$50 a head for?

A. Yes, sir.

Q. How long before they were killed did you buy them?

A. Over a year and a half.

Q. May I ask you this question: At the time of the delivery of your warrant did you get the warrant or the man you owed get it?

A. The man that I owed.

Q. Did you get any money after he was paid?

A. No, sir.

Q. Not a penny?

A. No, sir.

Q. Did you have to dig up some interest in addition to what you owed him?

A. No, sir.

Q. That just settled the debt?

A. Yes, sir.

Q. And you lost your calves?

A. Yes, sir.

Q. And your increase over the 20 head?

A. Yes, sir.

Q. Did that settle the full debt?

A. Yes, sir.

Mr. Brooks:

Q. Did you do the settling with your banker, or did your husband?

A. Well, I did.

Q. It came to exactly the amount that you owed the bank? There was no difference coming to you or none to them?

A. No, sir, no difference at all. It come even.

Q. You had a statement to that effect of an even balance to a penny?

A. Yes, sir.

Mr. Carpenter: Then, you enjoyed the milk from these cows for a year and a half before they were killed?

A. Yes, sir.

Mr. Van Zandt: You enjoyed the hard work taking care of them, didn't you?

A. Yes, sir, myself and six children.

Mr. Brooks:

Q. Do you remember the amount of the note you made for those 20 head of cattle?

A. One thousand dollars.

Q. And you received \$1000. You had the cattle for a year and a half. What paid the difference in the inter-

est? There was an interest of \$150?

A. When they taken the cows there was no interest to be paid.

Mr. Carpenter:

Q. Didn't the bank charge you interest?

A. I didn't deal with the bank.

Q. Well, whoever sold you the cows, didn't they charge your interest on the deferred interest?

A. No, sir, not after they taken the cows.

Q. He could have charged you?

A. Yes, sir, he could have.

Q. The man you bought them from lost his interest and you lost your increase?

A. Yes, he done that so I would break even. I had nothing to pay him any more.

Mr. Carpenter:

Q. How much money did you make out of the cows while you had them?

A. I didn't make any.

Q. I mean while you were milking them.

A. We paid on the cows.

Q. How much did you get when you sold the milk?

A. Well, around \$41 or \$42 a week for milk. The feed and all had to come out of that and the payment on the cows.

Testimony of Walter Baty.

Mr. Darrouzet:

Q. You are Walter Baty?

A. Yes, sir.

Q. Where do you live?

A. Arcadia.

Q. Is that in Galveston county?

A. Yes, sir.

Q. How long have you been living in this county?

A. Thirty-one years.

Q. You have no claim, have you?

A. It is a very small claim.

Q. Did you have a job during this hoof-and-mouth disease?

A. Yes, sir.

Q. What was your job?

A. Before the hoof-and-mouth disease I was a carpenter by trade.

Q. I mean during the hoof-and-mouth disease?

A. I was employed by the government.

Q. What was your job?

A. As a driver for an inspector; that is, I furnished the transportation for one of the inspectors wherever

he might be obtained or wherever he might be called to go to during the day or that period of time.

Q. Did you go to any of these dairies and farmhouses with any of these inspectors?

A. Yes, sir, I went to lots of them.

Q. Do you recall any of the activities, conduct and conversations, anything of that kind?

A. Yes, sir.

Q. Without making a great, big, long speech, tell them a few of the things that happened.

A. Well, of course, I was hired by the government. I was driving their men. I couldn't tell the people, my friends, they were being handled a little rough, but that didn't keep me from thinking a whole lot.

Mr. Carpenter: By which government, State or Federal?

A. I was driving a Federal man. In regard to the quarantine, they was rough.

Mr. Darrouzet:

Q. Did they all carry six-shooters?

A. No, sir, not all of them. Some of them did. In regards to some of the fellows, they would ask for permission to kill a hog on his own premises for his own personal use. They wouldn't permit that. In some parts of the zone, now out farther away they permitted such as that in some instances, and they also issued permits for transportation of stock; not right out of this dead-line zone, as they called it, but like cattle was being shipped from League City to Houston. They could get a permit to move those cattle, but they were already outside of the zone. Those permits were made out by those inspectors and lots of people would phone into the office for the permit. Those men would be sent out. I had lots of occasions to go out. Sometimes they were granted and others refused.

Q. Did you go to the home of Otto Crippon?

A. Yes, sir.

Q. Where was he?

A. At Arcadia.

Q. Right across the line, the dead line?

A. Yes, sir.

Q. How far from the dead line?

A. Just a street.

Mr. Brooks:

Q. You were hired by the government, you say?

A. Yes, sir.

Q. In any official capacity besides driving a car?

A. No.

Q. Would a government agent hiring you to drive his car make you an employe of the government?

A. Yes, sir.

Q. Did you carry a gun?

A. No, sir, I did not. The only time I carried a gun was when I was transferred down to what we called the low salt marsh. There was some cattle to be moved from near Alvin. Our stock cattle here is put in salt grass in winter. They permitted a man to move those cattle and I had to carry an inspector over in the marsh three times a week to inspect that bunch of cattle. They belonged to Norman Thomas. I told Dr. Horstman whenever we found a cow a little bit lame. The inspector would tell us to catch that cow. We were out there in a wreck of a car, and with lots of those big Brahma males a fellow wouldn't have much of a chance.

Q. You could catch them better with a .45 than with a rope?

A. Yes, sir. I told Dr. Horstman I refused to catch one, a big Brahma. I had a car, but had to get out and walk part of the time. I told Dr. Levitt: "We can't handle that fellow. If we rope him, he will hurt one of us or get away with the rope." He said: "The best way is to get a couple of rangers down here and kill him." He said: "Let it go until morning." He talked to Dr. Horstman, and he said: "Baty, go by the house and get your gun, and if Dr. Levitt still thinks he wants to examine that male, you take your gun and shoot him down." We went back over there the next day. It rained during the night. We couldn't go in the car. We went on horseback. We roped him and examined him without killing him. The other boys had that same order, that in case they found an animal that it wasn't safe to try to handle, to take and shoot him. However, I don't recall any animals that were shot that way.

Mr. Brooks:

Q. After this occasion, you carried a gun?

A. Yes, sir.

Q. Did you have a permit as a special ranger?

A. No, sir.

Q. Were you ever, then, at any of your neighbors' houses or any-

where in this community when inspectors killed cattle?

A. Yes, sir.

Q. You helped kill them?

A. No, sir, I did not.

Q. Did you ever at any time see these men, inspectors or rangers, do things to families that you didn't approve of in going into their homes? Did you see any such things happen?

A. Yes, sir.

Q. You helped do these things?

A. Yes, sir, I was there.

Q. In helping the rangers?

A. Yes, sir.

Q. Did you help go in and spray anybody's home and ruin their furniture?

A. No, sir, they had a gang for that purpose. In one instance, Mr. Joe Thomas was living way outside of the zone. Those inspectors made rounds every few days and examined herds outside the zone from here to Houston and beyond Houston. But I am speaking of this nearer territory here. Joe Thomas refused to let the inspector on his premises. The young man who was driving for that inspector is here today, Mr. Franks. Mr. Thomas refused to let the inspector on the premises, and the inspector notified Dr. Horstman that night, and the next day they sent the inspector that I was driving. There were several of us went to Mr. Thomas' house accompanied by a Texas ranger, and the Texas ranger just merely talked to Mr. Thomas while the boys went on in and inspected his stock. I sat in my car.

Q. A great many of these inspectors for the Federal government were from the north and east?

A. Yes, sir.

Q. You do not look like you would stand for an inspector or any other man insulting a woman.

A. No, sir.

Q. You do not remember, then, any of the inspectors or rangers insulting a woman to where you would feel like taking your gun and stopping them?

A. No, sir, but I was a little bit fortunate, I guess. I had a couple of very nice fellows. I had Dr. Wilson.

Q. You heard things you never approved of?

A. Yes, sir.

Q. But you happened not to be there at those times?

A. No, sir, I wasn't.

Mr. DeWolfe:

Q. So far as your experience went in that matter, did you ever see them go further than was necessary? Of course, if there was resistance offered, did you see them abuse their privileges?

A. Well, I couldn't say that I did. I don't believe you quite understand how I was situated.

Q. I understand you did not have anything to do with it.

A. I worked under this one man. He was a veterinarian. If that man condemned those stock, there was another crew that come and drove that stock off. How they got it, I couldn't answer that question.

Mr. Brooks:

Q. Did this inspector ever tell you this was all a joke?

A. No, sir.

Q. He was right sincere and earnest in all his workings?

A. Yes, sir.

Mr. Wiggs:

Q. Did I understand you to say that some parties asked permission to kill a hog or stock for their own purposes, eating purposes?

A. Yes, sir.

Q. And they were refused?

A. Oh, yes.

Q. I will ask you, did you know that some of these men, government men, did eat some of the stock they killed?

A. I know they did.

Mr. Brooks:

Q. Did you ever happen to do that yourself?

A. I did, sir.

Q. I am sure I would if I had been in your place. There is nothing against that if there is no harmful effect to come to a man. Why didn't these inspectors let these poor farmers have their hog to kill when they would kill it themselves?

A. They told me they couldn't depend on them.

Q. How? What did they mean by "they couldn't depend on them"?

A. Well, he said you give one fellow a permit and then the fellow next door would say he wanted a permit and then another fellow.

Q. That doesn't sound business-like to you or human, either?

A. No, sir.

Mr. Darrouzet:

Q. Almost everybody around here was carrying a six-shooter except the fellows driving the cars?

A. There was a lot of six-shooters.

Q. There was a whole lot of them around here?

A. Yes, sir.

Mr. Young: Now, about fumigating cars when they went out of this area. The car you were driving, was it fumigated every time you went out?

A. It was fumigated every time we passed a guard station. If they were short of guards and there was no guard to put at a certain place, I might have to drive 10 miles to get by a guard, so as to be fumigated.

Senator Holbrook:

Q. You have heard the witnesses here testify to all the happenings that occurred during the hoof-and-mouth disease?

A. Yes, sir, I heard some of it.

Q. In such testimony as you heard, have you noticed any substantial inaccuracies or errors?

A. I do not think there has been anything wrong with their testimony. I wouldn't think so.

Q. Did the testimony that was given by most of the people here square substantially with your knowledge of what happened?

A. Yes, sir.

Mr. Van Zandt:

Q. During the time that you carried this inspector around, he had to do lots of explaining, did he not?

A. Yes, sir.

Q. Did he at any time tell any citizens whose stock was subsequently destroyed that they would be paid for the deprivation of the milk they would have gotten?

A. They left that impression wherever they went.

Q. That they would be paid not only for the loss of the cows but also the loss of the milk?

A. As I said there, the inspector that I carried had no authority whatever to make a citizen an offer on his animals or his damage. He had nothing to do with that. They had cowboys hired to drive those cattle to the pens and riflemen hired to shoot them. Those buyers—it was nothing but just exactly a horse-trading proposition. If he could buy cattle from Jones for \$30 and buy better cattle

from Smith for \$18, he would. He bought them just as cheap as he could. It was like if I hired you to go over to East Texas and buy cattle for me, I know you would buy them as cheap as you could.

Q. Was that the situation that was really here?

A. Yes, sir.

Q. Then there wasn't any force to it?

A. Oh, they were forced to sell.

Q. You said you expected them to buy like at a bargain sale?

A. Yes, sir. They told these people: "Your cattle have got to be killed. What do you want for them?" They would make him a price. He would say: "I can't give you that." Then they would horse-trade back and forth and come to some kind of an agreement.

Mr. Young: Weren't the odds against the local citizens?

A. Yes, sir.

Testimony of Otto Crippon.

Mr. Darrouzet:

Q. Give your name to the committee.

A. Otto Crippon.

Q. Where do you live?

A. Arcadia.

Q. You have no claim?

A. No, sir.

Q. I just want to prove a little system by him. How far did you live from the dead line?

A. About three blocks, I guess, from town.

Q. I mean the lower end of your pasture, how far was it from the dead line?

A. Right against it.

Q. The whole time this quarantine was on you sold milk?

A. Yes, sir.

Q. You fared pretty well, because no one else could sell any?

A. Yes, sir.

Q. There never was a time during this quarantine that if your cattle went up against the fence right there they were not within the contagious territory of this hoof-and-mouth disease?

A. Yes, sir, that is right.

Q. They were always there?

A. Yes, sir.

Q. Running loose and never locked up?

A. The only way I saved my cows was the injunction.

Q. You were one of the men who brought the injunction?

A. Yes, sir. The people didn't have no say until the injunction come.

Q. You saved your cattle?

A. Yes, sir.

Q. And your cattle were in the zone?

A. Yes, the very place. It broke out there. They never did take in Mr. Palmeri. It broke out at that place, but they didn't have no money to pay for them cattle and they didn't take them. The people didn't have any say until that injunction come, when the judge granted it to us. They had guns and everything. You would be scared to death.

Mr. Van Zandt:

Q. You were in the dairy business at that time?

A. Yes, sir.

Q. Did they come and try to take your cattle?

A. Yes, sir, they tried.

Q. Were your cattle condemned by the inspector?

A. No, never was condemned, but he said he was coming to get them, and I told him no, unless he paid for them.

Q. Did he send a bunch of men over there to get them?

A. No, sir.

Q. Never did make any price as to what he would give you if he would take them?

A. No, sir.

Mr. Carpenter: Your cattle were confined in the pasture?

A. No, sir, running loose. They run a line there. I got Dr. Horstman to do that. I told him I would not let him take them unless paid for. He run a line down the road. Mrs. McPeters and Mr. Baty had their cattle in there. They were living on the other side before moving across.

Mr. Brooks: This was just an imaginary line?

A. It was a line I got him to establish.

Mr. Van Zandt:

Q. If I understood you correctly, did you say Mrs. McPeters and Mr. Baty, rather than move them on the other side of the line, left them there?

A. They wouldn't let her keep them, because they had been running



in this zone. They could have come on my side if they liked before the quarantine was on.

Q. When the quarantine did go on, it caught her inside and she couldn't move them out?

A. No, sir.

Mr. Young:

Q. The man in whose place the disease broke out suffered heavily and they never did take his cattle?

A. Yes, sir.

Q. In other words, the cattle that had the hoof-and-mouth disease got over it?

A. They did not have it. Right here is his pasture and here is McFadden's pasture (indicating) where that broke out. They never found that they had it.

Q. Did his bunch have the disease?

A. No, sir. They went out there 5 or 6 times a day, but he couldn't sell his milk.

Q. Do you mean that is the way he suffered?

A. Yes, sir. As soon as we got the injunction, it covered everybody. I think Mr. Duce's cattle were nearly half way to the killing pen when the injunction come, and they brought them back. I'll say they brought them back.

Mr. Brooks:

Q. Did you have a pretty nice herd at this time?

A. Yes, sir.

Q. How did you keep them from going across this imaginary line?

A. They had it fenced.

Q. They fenced that line?

A. Yes, sir.

Q. And your cattle never did go back into the quarantine area?

A. No, sir, not after they fenced it.

Q. Did they fence it immediately after they established this line?

A. Yes, sir.

Mr. Darrouzet: I want to introduce this in evidence. (This exhibit, marked "Claimants' Exhibit No. 1" for identification, is as follows:

"Live Stock Sanitary Commission of Texas

Not Good on Infected Premises

Galveston Sept. 23-25

Permission is hereby granted D. W. Burns, C. C. Fry,

To Move or Ship, pass to and From Home

From Galveston to Alta Loma and Return

Dr. A. H. Hughes  
Inspector, Live Stock Sanitary  
Commission.

Good till revoked.

Barr  
Inspector, Bureau of Animal  
Industry."

Testimony of J. C. Thomas.

Mr. Darrouzet:

Q. You are J. C. Thomas?

A. Yes, sir.

Q. Where do you live?

A. Pasadena.

Q. What is your business?

A. Banking.

Q. What job did you have during this quarantine?

A. Cashier of the Pasadena State Bank.

Q. Were you appointed as one of the appraisers for these cattle when all this stock was lost?

A. Yes, by quite a few cattle owners around Pasadena.

Q. It was agreed to take one business man and one cowman from away from here and they two got together and got a third man; isn't that how it was worked out?

A. I don't remember the details of that part.

Q. There were three of you?

A. Well, everybody was appraising them around Pasadena.

Q. Will you tell the committee about the appraisal and paying for them, how it came about?

A. I think probably one of the reasons there was some definite steps taken toward appraising the cattle or asking somebody to do that was the mere fact that it was generally understood that dairy cattle, range cattle, and beef cattle and all other kinds of cattle were just cattle. Of course, everybody that knows very much about it knows that kind of consideration on a proposition of that kind is not correct, so some men around Pasadena that had good dairy cattle suggested that there ought to be some differentiation. I happened to be one of the men over there asked to appraise some of these dairy cattle, and I did appraise cattle for Mr. W. N. Blakesley, W. S. Parks, L. E. Starke, Charles E. Syfan, and quite

a few individuals. I mean where they would have 1, 2 or 3 cows. Mr. H. P. White was another one. I do not remember all of them. I made these appraisals for these men and wrote them down and gave them to them. All the cattle I appraised were dairy cattle. I didn't know much about any other kind, so I based the appraisals I made for these men on what I had learned from experience in handling dairy cattle as to what they would be worth. I do not remember that any of them were registered cattle. If they were, I didn't know that. I based my appraisals for these people on the production of milk and the butter-fat that that milk contained and over how long a period they would produce that, whatever the period of lactation—8 or 10 months—also the age of the cow producing the milk. Again, another very important consideration is, that if the cow was 8 or 9 or 10 years old, whether she had any producing heifers, and, if so, what their records were; and I found that some of those cattle were real good milk cows, real good type of dairy cattle, while others I considered them almost worthless as dairy stock from the standpoint of production, either of milk or butter-fat or offspring. Nevertheless, these other fellows were all about the same price, \$30 a round, so much a cow.

Mr. Carpenter: Did the commission accept your appraisals?

A. If you will pardon me, I will explain that part. After these cattle were taken out of the community—I never saw them kill any of them, but they took them away from Pasadena—I had a telephone call from Houston and talked with Dr. Ions, and then I went to Houston to see him and his men. There was quite a bit of agitation at Pasadena at the time. They wanted me to qualify as an expert on judging dairy cattle. It had never come to my mind that I was or was not an expert. I didn't know whether I was or not. I went back home and didn't reach any conclusion. They sent a man out to see me—I didn't know his name—and he asked me again to come and talk to them. I did, and they again wanted me to qualify as an expert on judging dairy cattle. I couldn't do that without knowing what it took to constitute an expert, and I laid down that proposition that if they would define what an expert is, or at that time was, then maybe I could qualify

and maybe I couldn't. At least, I would know when they told me what it took to qualify as an expert. They couldn't do that. I did tell them how I arrived at these valuations on these dairy cattle, and they sent for me a third time. I still didn't qualify as an expert in judging dairy cattle. They did pay those men, all except two, what my appraised valuation was; not exactly, but approximately, so I understood later.

Mr. DeWolfe:

Q. Did someone work with you in that appraisement?

A. I worked by myself.

Q. I believe you stated you appraised W. N. Blakesley's cattle?

A. Yes, sir.

Q. I notice his claim is number 99, 32 head appraised at \$1695, 15 milking. Do you recall whether that particular individual, Mr. Blakesley, was paid approximately the total you appraised his stock for?

A. I do not think he was. He was one of the two I had reference to. I think he settled for the first thing they offered him. He had a Jersey bull that I thought was worth \$250, I believe. I think they probably gave him—I don't know what, but nothing like that for him.

Q. But you think with these two exceptions they gave approximately your appraisal?

A. Yes, sir. I remember Mr. White paid, I think, a very short time before they killed his cow, \$100 for it. He had paid quite a little money in cash for the cow and borrowed the balance. I thought probably he paid a little too much for the cow when he bought her. Anyhow, I said she was worth \$90. I think they gave him \$60 for her.

Q. I notice Mr. Blakesley was paid at the rate of \$53 for his herd, which is 32 head, and he was milking only 15. Do you recall what you appraised his herd for? You said that was one of the instances that they paid less than the appraised value.

A. I do not remember. That was some time in the summer of 1925. I do not recall the details very much, except I do remember about the bull. He had a pretty nice bull, and as far as I could find out he had a pretty good record for producing milk cows.

Mr. Brooks:

Q. Was he registered?

A. I don't know.

Q. We will accept your qualifications as an expert dairyman now. What means did you use to arrive at the fact that he was worth that much money?

A. Find out what his production was, what heifers he produced.

Q. Isn't it a fact that a bull is judged from his ancestors and not the sire, but the dam alone? Isn't that the judge of a bull?

A. No, sir.

Q. His dam alone and not the sire, regardless of what his sire was?

A. But the final test is this—

Q. I am asking you as an expert. How did you arrive at that knowledge?

A. The test of a bull in a dairy herd is not what his sire is or what his dam is, but what his own female offspring is.

Q. That is your version. May I ask you this: What sells a bull calf? What makes anybody give \$500 or \$1000 for a bull calf?

A. The record of his sire and dam if he is a calf.

Q. Which has the more effect in the value of that calf, the sire or the dam?

A. Well, I don't know. That would depend on the individual buying him.

Q. You valued these cows according to their butter-fat, not the amount of milk they gave, and the kind; what percentage of butter-fat did you consider a first-class cow to give?

A. About 4½.

Q. How did you make those tests? You said you took into consideration the individual cow. Did you make a Babcock test?

A. I didn't make any test myself. I took what the dairyman told me himself it was.

Q. Did these dairymen use the Babcock test in testing their herds?

A. I don't know whether they did. I never saw them do it.

Q. As an expert dairyman, would you say that raising a calf in a dairy herd is a profit?

A. That would depend on—

Q. On whether the sire was register of merit?

A. That wouldn't be the determining factor whether it would be profitable or not.

Q. May I ask you, as an expert dairyman, what is the average price of a calf from the common dairy cow?

A. Very little.

Q. What would you say that little would be?

A. If he is a bull, whatever you can get.

Q. What is customary in a first-class dairy with a bull calf unless it is from a fine cow?

A. You mean grade bull?

Q. What is the custom where people are working for money, and if they go into the dairy business they are going to make money, what do they do with bull calves?

A. As far as my information goes, most people kill them.

Q. We want to understand the valuation. Some witnesses say the calves were worth \$30. We want to get at your idea as an expert.

A. If they were heifers, it would be a different proposition.

Q. What would be the worth of a heifer from a grade cow? If cows are selling at \$50, it is a loss to raise a calf?

A. You misunderstood me. I didn't say that.

Q. What would be the price of the heifer calf?

A. That depends on its sire and dam.

Q. You tell me that you didn't know of anyone in this county that had register-of-merit cows?

A. That is right.

Q. Why don't you say what the average calf from the average calf is worth, say, six months or two-months heifers? Do you know that they sold for \$30?

A. Do you mean the average in each herd?

Q. In my county, for instance, I know the prices of cattle. I know that I can go out and buy year-old calves from \$7.50 to \$12 today. From what you know about the conditions here, then, four years ago, what would those heifer calves sell for? Did they sell for \$30 or \$5?

A. I know of but very few heifer calves changing hands, and they were more than a year old when sold. About \$25, I think.

Mr. DeWolfe:

Q. Over a year old?

A. Yes, sir, probably 16 months.

Q. What would heifer calves be worth between three and six months old; around \$10 or \$12?

A. They are worth more than that if their sire and dam are any good. If they are not, then you will take a long chance.

Mr. Van Zandt:

Q. Did I understand you to say or not that in judging these cows you took into consideration milk production?

A. Yes, sir.

Q. As I understood, they paid these people approximately the amount you allowed them?

A. Yes, sir.

Q. Then do you know of your own knowledge that any of these persons that you have appraised for have claimed before this Committee other than Mr. Blakesley?

A. I believe I know many of these gentlemen who have been before the Committee today.

Q. Did you attend any conferences at Houston or elsewhere relative to the manner of appraising cattle?

A. Except the three times I was over there.

Q. Did Ions or anyone else state that was the method they were following in appraising Jersey cattle?

A. No, sir.

Q. Would you say any person you appraised the stock for would have been fully paid for; that their cattle would have been fully paid for upon the terms you appraised?

A. Yes, sir, for the cattle alone.

Q. You said a while ago you took into consideration their milk production in appraising the cattle. If I would go out here and buy one I will take into consideration its milk production. Then, if I would buy it, do you think it would be fair for the seller to come and ask for an additional price for the amount he would have gotten if he had the cow in possession?

A. The cow herself has a monetary value. If this man is going to take her out of his pen and sell her to this other man, that is what she was worth.

Mr. Young:

Q. As a matter of fact what the people are asking for here is the amount they would have gotten for the period they could not restock, is it not?

A. This gentleman didn't ask that question. That is correct; you are right.

Q. It is for 180 days, or about six months, that they could not restock?

A. That is correct.

Mr. Wiggs: Are we considering paying for these cows and calves?

Mr. Darrouzet: No claim in here is for cattle.

Mr. Wiggs: Isn't it immaterial about the value of the cattle?

Mr. Brooks: We are trying to bring out in the prices of the cattle if they were justified in selling them or letting the commission kill them at that price, and that has a bearing on the claims that they might ask for milk or less of crops according to the amount they paid for the cattle, whether they were paid high or paid low, and it does have a bearing on the hearing.

#### Testimony of Evans Franks (Claim No. 75.)

Mr. Darrouzet:

Q. State your name to the committee:

A. Evans Franks.

Q. Were you at Thomas' pasture when the doctors came there?

A. I carried the doctors there.

Q. Did you hear the conversation between the doctors and Norman Thomas?

A. I did.

Q. What was the conversation?

A. I drove this doctor, and he was an inspector, and he was to inspect all the cattle in that area, and so we went to various places all around. We went to Thomas' place and started in the gate, and Thomas came out. He let us in one time, but the next time he wouldn't let us in. We went to the gate and started to drive in, and he stopped us and he told the doctor that he didn't care about him going in there; that he had his car in an infected territory and he didn't want this hoof-and-mouth disease spread in his pasture; that he had a good

grade of Jersey cows and a Holstein registered male. The doctor said: "We have orders to go in and, Mr. Thomas, we are going in." Mr. Thomas said: "No, you are not; you won't move." He said: "Don't go in that gate," so the doctor said to me: "What shall we do?" I said: "I am just driving this car; whatever you say." He said: "Well, I will see Dr. Horstman." That night he just told Mr. Thomas good-by. I was working for the doctor. They took my cows and so I got a job as driver. I was the go-between. I was going between the doctor and Mr. Thomas. I knew Mr. Thomas wasn't going to let us in. I figured he would shoot the doctor first. We didn't have any gun, however. We didn't have one at that time.

Q. Did you tell him if you didn't get in you would send the rangers?

A. He said: "We are going to get the rangers," and Mr. Thomas said: "Get them." So the next day we planned to meet the rangers at Norman Thomas' place. I said Norman; it was Joe Thomas. So the next day at 1 o'clock we met the rangers at Mr. Thomas' place. We drove up there together and went to Mr. Thomas' gate and he come out. I don't know whether he had a gun or not, but the rangers did. They both had guns, and they told Mr. Thomas there seemed to be some confusion about our going in. They told him the doctors were sent down by the Federal government and we had to inspect all the pastures in this area to keep from spreading the disease. They talked to him a while and he told them no. They said finally: "You will let them in or we will take you to jail. You can suit yourself." He said: "I have lived here a long time and I have been in this county all my life, but this is the first time I have ever been run over by the government or anybody else." He said: "You are the law. You will have to go in." He said: "You boys are just as welcome to this place as the flowers in May, but I don't want you to bring the hoof-and-mouth disease in that pasture. You spray that car when you come in and when you go out." Of course, we always did that anyway. The only thing was that these two rangers did tell Mr. Thomas that he would absolutely go to jail if he didn't let them in. That is when Mr. Thomas said he lived there all his life and had never been run over

like that before and so he might as well let them go in. He said the next day: "Franks, you fellows can't go in there very well with the car. Just take the horses." He had some horses there. After that he was very friendly. He never was any other way.

Testimony of W. L. Browning.

Mr. Darrouzet:

Q. Will you tell the committee your name and where you live?

A. W. L. Browning, Alvin, Brazoria County, Texas.

Q. What is your position over there?

A. President of the Alvin State Bank.

Q. How long have you lived around this neighborhood?

A. Twenty-three years in Alvin.

Q. For the purpose of identifying Alvin, it is in close proximity to Galveston County? It is right approximately on the line?

A. Three and one-half miles from it.

Q. Will you tell this committee in your own way what you know about the hoof-and-mouth disease and how you helped finance these folks and what you did to help them and whether or not, previous to the hoof-and-mouth disease these folks weren't good customers and after that they were all broke? I don't know whether that is a leading question or not, but I will give it to you.

A. That almost calls for a speech. I have been in active control of the Alvin State Bank for 18 years, and from my touch with the dairy business prior to going into the bank I realized that through the dairy business, and not through farming, would a community be made prosperous, so in taking charge of the bank I centered my efforts with what money I had available to financing these dairymen. I have only been in touch with the dairymen to the extent of financing all that I considered energetic and willing to fight and make a good dairy business. Everything was progressing nicely, the community doing better and becoming more prosperous, and our deposits increasing wonderfully for a small place until the foot-and-mouth disease interrupted. As to the value of the cows, that depended, in my estimation, on the pedigree, because we didn't go into that

on account of too much open range, but the production of the cows. Some herds did not produce as well as others, because they had too many inferior cows and more often from the handling. Almost without exception, just a few exceptions, the dairy business was profitable to the dairymen. They were making money, reducing on their notes, increasing their herds, and putting up more barns and some silos. When the foot-and-mouth disease touched us, I don't know how many were wiped out. The stock was killed off and they were not reimbursed anything like the value. Most of them did not have money to re-enter the dairy business only by banking. I will be frank to say in some instances where they were wiped out, knowing the man, I backed him to the limit, practically 100 cents on the dollar. Some men can go to the bank and borrow on a note according to their worth as a man. These dairymen have come up since.

Mr. Young:

Q. I believe that Mrs. McPeters said a while ago she just about come out even with the bank in her situation. Do you know anything about that or other situations where the bankers really charged off some notes to assist the customers?

A. No, sir, I do not. We have some that did not pay out, but that is another matter that would not affect this cause and I don't want to discuss it. They have stated if they were able to pay they would do so. I am just holding some claims in abeyance. I do not recall Mrs. McPeters' identical case. I have too many cases.

Q. I don't know whether it was your bank.

A. I don't know. Mrs. Albright owed two banks. The Texas City First National Bank was one of them and myself, and her claim did not pay out.

Mr. Darrouzet:

Q. Prior to the slaughtering of these cattle, this was a pretty satisfied community up there in that end of the county?

A. I think it was more than satisfied. It was prosperous.

Q. These people were wiped out, and it caused a general depression?

A. Yes, sir.

Q. Because of that fact they feel they ought to be repaid for their losses?

A. Yes, sir.

Mr. Van Zandt: What was the condition of the community from the quarantine to its lift?

A. It just stopped everything off in the milk production in that area, and for the period that was set after the stock was killed before they could restock. Some of those people had to be assisted for their grocery bills. They had no income only from the cows, and the cows were taken away from them.

Mr. Darrouzet: Prior to that, they didn't need that assistance?

A. No, sir; prior to that I never loaned a man the money to pay for his groceries. The examiners who came there to the bank have stated to me uniformly that they were opposed to the dairy business; that it had not been successful. As a rule, a bank examiner comes from four to a dozen times a year. Without exception, all have admitted that the way we handle the dairy business here it has been successful and it is practically one of the very few banks that hasn't had to renew notes and carry them over by adding interest. In other words, it paid.

Mr. Darrouzet:

Q. You mean before the quarantine?

A. Yes, and since they got back.

Q. It isn't paying just at this time?

A. Absolutely no.

Mr. Brooks: In your opinion, now you feel that the people were underpaid for the cattle killed?

A. There is no question about that, and if you will pardon me for drifting in a little further, it was generally talked at my bank, and I heard the doctors and enforcement officials remark there in the bank, that if the people would follow the instructions, requests or demands of those doctors they would be paid for their damages as well as the loss of their cattle. The doctors were with me quite a bit at the bank. We cashed their pay warrants regularly. I told these people to follow their instructions or demands when they come, and they said they couldn't do it because they were going to take the cows. I said: "Let them take them,

because they have told me the government would reimburse you not only for the loss of your cows but for your loss of time."

Mr. Justiss:

Q. They led them to believe that?

A. Yes, sir. That was absolutely done.

Q. Led them to believe they would pay them for damages besides the cattle?

A. Yes, sir.

Mr. Brooks:

Q. That was your understanding throughout the quarantine?

A. Yes, sir.

Q. Was it their opinion that the State or Federal government or the Live Stock Commission would reimburse them?

A. Right together.

Q. Federal and State?

A. Jointly.

Q. That was the opinion in the community?

A. Yes, sir.

Mr. Darrouzet:

Q. The fact of the matter is all of them were trying to keep riots down and made that promise?

A. Yes, sir.

Q. And when they made promises the men would be in and about the place, the government men?

A. Yes, sir.

Q. There was no meeting held during that six months that there were not government men in there?

A. I don't know. I never attended one.

Testimony of G. S. Beaver.

Mr. Darrouzet:

Q. What is your name?

A. G. S. Beaver.

Q. Were you around here when they had the hoof-and-mouth disease?

A. Yes, sir.

Q. What was your job?

A. I had a truck and I hired out to Dr. Drake, who was in charge of the killing pens, and my job was to collect the calves and crippled cows

and hogs and sheep and such as that and bring them to the pens.

Q. Do you know anything about the cattle business?

A. Yes, sir.

Q. You live here in the county?

A. Yes, sir.

Q. How long have you lived here?

A. About eight years.

Q. Approximately how many cows that were slaughtered down there at the pens were good, healthy, sound cows?

A. Oh, I will say 99 per cent.

Q. Did you ever see one of these cows that had foot-and-mouth disease?

A. I saw one in particular that had something wrong with her that they told me was foot-and-mouth disease.

Q. Did you get the stock?

A. Yes, sir.

Q. Did you have any trouble in getting the stock?

A. In one particular instance they sent me over to a place for some hogs and the lady said they hadn't given her any receipt or told her anything, and I went back and told Dr. Bowersock and he said: "You go back there and wait and I will send a man around there," and I went back. I knew the lady. We were sitting on the back porch talking, and a car drove up and two men walked up and shot the hogs down and hollered at me to come on. They got in their truck and drove off. I think the lady's husband, whoever it was, was paid for the cows. The man wasn't home, but I know they come out there and shot the hogs without asking questions.

Q. Do you know whether they got paid?

A. I don't know. I think they did.

Q. Do you recall the lady's name?

A. Jake Linke's wife. I was present at another place in Alta Loma where they had some trouble, but I didn't hear the trouble. I just heard the discussion among the boys, but I know they tore the fence down, cut the fence, and drove the cattle out. I can't recall that man's name. It was an Italian. I saw the men cut the fence and drive the cattle out after they were told not to take them.

Q. You saw the men eat meat they would kill?

A. Yes. They would eat meat down there all the time.

Q. You ate some of the meat?

A. Oh, yes.

Mr. Van Zadt: Did any of the inspectors eat any of the meat?

A. Yes, sir, all the riders and men. Dr. Chapel was in charge of the riders. I went to other places and brought the cattle back to the killing pens.

Mr. Young: What kind of remarks did the men in charge and others engaged in enforcing the quarantine and other regulations make about the meat and such as that while they were by themselves?

A. Nobody felt uneasy about the meat. Those big, fat calves and fat hogs, no one felt uneasy about the meat. They would kill a calf one day and have it dressed, but they would always cut the head off and leave it until Dr. Chapel come in and examined it.

Mr. DeWolfe: Before you ate the meat, this doctor always examined it after it had been killed?

A. Yes, sir.

#### Testimony of B. E. Leining.

Mr. Darrouzet:

Q. State your name.

A. B. E. Leining.

Q. How long have you lived in this county?

A. Since 1908.

Q. Were you working among these inspectors and doctors during the hoof-and-mouth disease?

A. I was night patrol rider after they taken my cows. They wouldn't give me a job until after they had taken my cattle. They taken 81 head, that is, 81 all told, with a registered Holstein male. They quarantined us and I didn't have anything to do then. There was no use milking cows, though dad said to keep on milking them. We were quarantined about three weeks. We went to the courthouse and got a permit to sell the milk. We sold for a couple of weeks, and they revoked the permit and a couple of weeks later they took our cattle. The Holstein male cost \$100 when one-year-old. He was three years old then, and they allowed us \$75 for him. For the other cattle they allowed us about \$30 a piece.

Q. Were you around the pen where they were killing them?

A. Yes, sir.

Q. Did you eat any of that meat?

A. Well, I ate it three times a day. About every other day we would kill a nice fat beef. Of course, I had nothing to do with the killing.

Q. Did the doctors eat it?

A. Yes, sir.

Q. Did the inspectors eat it?

A. Yes, sir.

Q. Did the rangers eat it?

A. Yes, sir.

Q. None of them missed it?

A. They had it on the table three times a day. They had niggers cooking it all kinds of ways. Mrs. Wiegand she had some cattle and they were under fence, and, of course, there was no stock law; but one of the calves, a nice fat two-year-old heifer, got through the fence. Mr. McFadden was in charge. Mr. Milby Butler come along and roped it and took it to the pen and the next day we had a good beef to eat.

Mr. Darrouzet: We have just picked out the high lights of these claims. The testimony of each one of them will be along the same line. I am not going to burden you any more with these witnesses unless you want them. We have tried to pick out the ones that would just hit the whole section of the country. If there is any other information that your want before I make one more announcement, I would like for you to tell us.

Mr. Van Zandt (to Mr. Darrouzet): Is there anyone in the audience that feels that these people have been paid enough?

Mr. Darrouzet (to audience): Is there anybody in the audience who feels that these people have been paid enough money and that they are not entitled to any more money.

Mrs. Albright: Lots of them are entitled to more money.

Mr. Darrouzet: I ask you if there is anybody in the audience, as citizens and taxpayers of Texas, who feel that these people ought not to get their money?



Mr. Van Zandt (to Mr. Darrouzet): Reverse the question.

Mr. Darrouzet (to audience): Do you believe that they ought to get their money?

Audience: Sure, we do. (No dissenting voice was heard.)

After short talks by some of the members of the committee, Senator Holbrook and Mr. Darrouzet, the hearing was closed.

The State of Texas,  
County of Galveston.

I, Mary E. McGowan, do hereby certify that the foregoing one hundred twenty-one (121) pages of type-written matter constitute a transcript of the proceedings had at a meeting of the Committee of Claims and Accounts of the House of Representatives of the State of Texas, held at 10 a. m., on February 14, 1931, at the auditorium of the Dickinson High School, Dickinson, Galveston County, Texas, for the purpose of hearing claims of Galveston County dairymen sponsored by the Mainland Chamber of Commerce, which claims grew out of damages resulting from hoof-and-mouth disease quarantine in 1925 and 1926; and I do further certify that such transcript is true and correct.

Witness my hand this 20th day of February, A. D. 1931.

MARY E. MCGOWAN,  
Official Court Reporter, Fifty-sixth  
District Court.

### THIRTY-FOURTH DAY.

(Continued.)

(Wednesday, March 25, 1931.)

The House met at 9:30 o'clock a. m., and was called to order by Speaker Minor.

### HOUSE BILL NO. 574, WITH SENATE AMENDMENTS.

Mr. Mehl called up from the Speaker's table, with Senate amendments, for consideration of the amendments,

H. B. No. 574, A bill to be entitled "An Act to provide more adequate compensation for county treasurers in counties of a population of not less

than 250,000 and not more than 310,000, as shown by the last Federal census of 1930, where the treasurer of such counties acts as paymaster for the county, in addition to the regular duties as county treasurer; and providing for the employment of an assistant for such treasurers, and declaring an emergency."

The Speaker laid the bill before the House, and the Senate amendments were read.

On motion of Mr. Mehl, the House concurred in the Senate amendments by the following vote:

Yeas—108.

Adams of Harris.	Holder.
Adams of Jasper.	Holland.
Adamson.	Holloway.
Adkins.	Hoskins.
Albritton.	Howsley.
Alsup.	Hughes.
Anderson.	Jackson.
Baker.	Johnson
Barron.	of Dallam.
Bounds.	Johnson
Boyd.	of Dimmit.
Brice.	Johnson of Morris.
Brooks.	Jones of Atascosa.
Bryant.	Justiss.
Burns	Kayton.
of McCulloch.	Laird.
Carpenter.	Leonard.
Caven.	Lilley.
Claunch.	Lockhart.
Coltrin.	Long.
Coombes.	McDougald.
Cox of Limestone.	McGill.
Cunningham.	McGregor.
Dale.	Mathis.
Davis.	Mehl.
DeWolfe.	Metcalfe.
Dodd.	Moffett.
Donnell.	Moore.
Duvall.	Munson.
Elliott.	Murphy.
Engelhard.	Olsen.
Farrar.	O'Quinn.
Ferguson.	Petsch.
Finn.	Pope.
Fisher.	Ratliff.
Forbes.	Ray.
Ford.	Reader.
Fuchs.	Richardson.
Gilbert.	Rogers.
Giles.	Rountree.
Goodman.	Satterwhite.
Grogan.	Savage.
Hanson.	Scott.
Hardy.	Shelton.
Harman.	Sparkman.
Hatchitt.	Stevenson.
Herzik.	Steward.
Hines.	Strong.